

**NOTICE OF SUBMISSION TO THE PROPOSED THAMES COROMANDEL DISTRICT PLAN PURSUANT TO
CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991**

To: Thames-Coromandel District Council
Proposed Thames-Coromandel District Plan
Private Bag
Thames 3540
Attention: District Plan Manager

customer.services@tcdc.govt.nz

Submitter: Powerco Limited
Private Bag 2061
New Plymouth 4342

Address for Service: BURTON PLANNING CONSULTANTS LIMITED
Level 1, 2-8 Northcroft Street
PO Box 33-817, Takapuna,
AUCKLAND 0740

Attention: Kathryn Akozu

Phone: (09) 917-4302
Fax: (09) 917-4311
Email: kakozu@burtonconsultants.co.nz

A. INTRODUCTION

1. Powerco Limited (*Powerco*) is New Zealand's second largest gas and electricity Distribution Company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand. Powerco supplies electricity to the whole of the Thames Coromandel District. Refer to the Plan in Annexure A which shows the location of Powerco's assets in the Thames-Coromandel District.

New Zealand Energy Strategy

2. The New Zealand Energy Strategy 2011-2021 (*NZES*) provides a vision of New Zealand's energy future and has a core focus of moving towards a low emission energy system. The vision is for a reliable and resilient system delivering New Zealand sustainable, low emissions energy services, through:
 - Providing clear direction on the future of New Zealand's energy system;
 - Utilising markets and focused regulation to securely deliver energy services at competitive prices;
 - Reducing greenhouse gas emissions, including through an emissions trading scheme;
 - Maximising the contribution of cost-effective energy efficiency and conservation of energy;
 - Maximising the contribution of cost-effective renewable energy resources while safeguarding our environment;
 - Promoting early addition of environmentally sustainable energy technologies; and
 - Supporting consumers through the transition.
3. Powerco supports the overall vision of the *NZES*, while recognising that the transition to a more sustainable energy system will involve trade-offs and compromises.

The Resource Management Act 1991

4. Under the Resource Management Act 1991 (*RMA*), Powerco's electricity infrastructure is a significant physical resource that must be sustainably managed, and adverse effects on and of that infrastructure are to be managed to achieve the purpose of the *RMA* – the promotion of the sustainable management of natural and physical resources. This includes managing the adverse effects on and of Powerco's assets.

Relevant National Policy Statement and National Environmental Standards

5. Powerco also has two wholly owned subsidiary companies (Powerco Transmission Services and Independent Transmission Services), whose purposes is to develop, construct and operate transmission lines of 110kV and above. Powerco's transmission projects are primarily to provide connections for energy generation sites such as wind farms to the National Grid, and



to provide new transmission substations and line connections to strengthen Powerco's distribution networks.

6. Powerco's transmission infrastructure is not covered by the National Policy Statement on Electricity Transmission 2008 (NPSET), which is limited only to Transpower's electricity network – the National Grid. The National Environment Standards for Electricity Transmission Activities 2009 (NESETA) similarly only applies to the National Grid. Notwithstanding that, many of the issues for Powerco are the same or similar as for the National Grid.

Waikato Regional Energy Strategy

7. On 19th August 2009 Environment Waikato launched the **Waikato Regional Energy Strategy**. The overall purpose of the strategy is to:

- encourage and enable energy conservation and efficiency;
- promote the Waikato region's role in maintaining security of energy supply;
- facilitate the development and use of renewable energy sources and innovative energy technologies; and
- acknowledge and promote the crucial role of energy in the regional and national economy.

The Strategy makes a number of relevant recommendations including:

- *The Regional Energy Strategy advocates for policies and actions that promote the generation of electricity from renewable sources and innovative energy technologies within the region, that recognise the importance of security of supply.*
- *The Regional Energy Strategy advocates for policies and actions that recognise transmission of electricity as an important part of maintaining security of supply.*
- *That the Waikato is an important conduit for meeting the transmission of electricity around New Zealand to meet national demand.*
- *Grid and network investment and maintenance is an important component in the development of renewable sources of electricity generation (due to its role in facilitating connection to the National Grid).*

What action is required

- *Acknowledge the importance of the Waikato region's role in transmission and distribution both for local and national business and community energy needs.*
- *Recognise the importance of all transmission and distribution, in national, regional and local policy documents.*
- *Improve information and education available to local authorities and policy makers to support understanding of the importance of transmission and distribution and to recognise its critical role for wellbeing and economic growth.*
- *Advocate for policy to support and enable planned maintenance and upgrading of existing transmission lines.*
- *Support the development of new lines to meet local and national needs.*



The Proposed Waikato RPS

8. The decisions have been released on the Proposed Waikato Regional Policy Statement (RPS) and the appeal period has closed. Appeals have been received on the Objectives and Policies listed below and those appeals are currently being resolved.
9. Powerco's electricity network is recognised as not only infrastructure, but as regionally significant infrastructure in the RPS. In that context, the RPS contains a number of relevant provisions as follows:

Objective 3.11:

Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which provides for positive environmental, social, cultural and economic outcomes, including by:

- a) promoting positive indigenous biodiversity outcomes;*
- b) integrating land use and infrastructure planning;*
- c) recognising the value and long-term benefits of regionally significant infrastructure corridors;*
- d) protecting access to identified significant mineral resources;*
- e) minimising land use conflicts, including minimising potential for reverse sensitivity*
- f) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;*

Policy 6.6 Significant infrastructure and energy resources:

- a) Management of the built environment ensures that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected.*
- b) Regard is given to the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation.*

Implementation methods

6.6.1 Plan provisions



Regional and district plans shall include provisions that give effect to Policy 6.6, and in particular, that management of the built environment:

.....

ca) provides for infrastructure in a manner that:

- (i). recognises that infrastructure development can adversely affect people and communities; and*
- (ii). does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure*

6.6.2 Transmission corridor management approach

Waikato Regional Council will work with territorial authorities and energy companies to develop a transmission corridor management approach which:

- a) recognises the benefits of the national electricity grid;*
- b) identifies key transmission corridors and provides for their protection from inappropriate subdivision, use and development, including through identification of corridors in district plans as appropriate;*
- c) identifies and addresses potential effects on people and communities and natural and physical resources from new transmission infrastructure;*
- d) seeks opportunities for alignment with other infrastructure corridors;*
- e) recognises that energy companies may be affected parties with respect to land use change, including subdivision and development; and*
- f) seeks to manage the effects of third parties on the safe and efficient operation of the transmission network.*

6.6.5 Measures to avoid adverse effects

Local authorities should ensure that appropriate measures are implemented to avoid adverse effects of development of the built environment on the safe, efficient and effective operation of regionally significant infrastructure. With respect to electricity transmission corridors, development should be in general accordance with Transpower's Transmission Corridor Management Guidelines.

6.6.6 Resilience of regionally significant infrastructure

Local authorities should work with other infrastructure providers to encourage ways to maintain and improve the resilience of regionally significant infrastructure, such as through back-up systems and protection from the risk of natural hazards.

10. The RPS details how activities involving regionally significant infrastructure and renewable energy will be addressed. It recognises that some infrastructure is regionally and nationally important and that there can be logistical or technical constraints on where infrastructure must be located to serve communities and operate efficiently and also that adverse effects upon infrastructure from growth and development need to be addressed appropriately. Furthermore the provisions identify that the benefits of electricity infrastructure need to be



recognised and appropriately weighed along with other matters in the decision making process. As stated above, Powerco's electricity network is recognised as regionally significant infrastructure in the RPS. It is therefore appropriate, given the local and regional significance of Powerco's network within the District, that its management is comprehensively and appropriately addressed in the Thames-Coromandel District Plan ("the District Plan").



B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT POWERCO'S SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:

1. This submission relates specifically to the following sections of the Proposed Thames Coromandel District Plan (the District Plan):
 - Section 1 – Background on how to use the plan
 - Section 6 – Biodiversity objectives and policies
 - Section 9 – Landscape and Natural Character Objectives and Policies
 - Section 11 – Significant Trees objectives and policies
 - Section 15 – Settlement Development and Growth Objectives and Policies
 - Section 16 – Subdivision Objectives and Policies
 - Section 19 - Network Utilities District Wide Objectives and Policies
 - Sections 20-24 – Area Issues, Objectives and Policies
 - Section 29 - Biodiversity Rules
 - Section 32 – Landscape and Natural Character Rules
 - Section 35 – Significant Trees overlay rules
 - Section 36 – Contaminated Land and Hazardous Substances Rules
 - Section 38 – Subdivision Rules
 - Sections 40-59 - Zone Rules

C. POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION

D. IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.

E. THE POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

F. POWERCO ARE DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—

- (i) **ADVERSELY AFFECTS THE ENVIRONMENT; AND**
- (ii) **DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Signed on and behalf of Powerco Limited



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Kathryn Akozu
Senior Planner



Dated this day of 14th March 2014

SCHEDULE ONE: GENERAL SUBMISSION

A. The specific part of the District Plan that is subject of this submission is:

- The District Plan Generally

B. Reason for Submission:

1. A reliable and constant energy supply is critical to sustaining the regional economy, population and way of life. Demand for energy is constantly increasing. Powerco faces an increasing number of constraints, in terms of providing a secure and reliable supply of electricity to meet the increasing demand and population growth.
2. It is critical that the planning documents that guide development within the Thames-Coromandel District adequately provide for the core strategic infrastructure that is required to support growth. Unless these issues are appropriately addressed, the RPS will not be given effect to and the sustainable management purpose of the RMA will not be promoted. Powerco's submission is therefore that the District Plan should ensure:
 - The sustainable management of Powerco's assets as a physical resource;
 - The NPSET is given effect to, with consequential recognition being given to Powerco's supporting sub-transmission and distribution networks;
 - Effect is given to the policies of the Operative and Proposed RPS and in particular Objective 3.11 and Policies 6.6 of the Proposed RPS;
 - Protection of the existing network from issues of reverse sensitivity;
 - Maintenance of amenity and public safety around electricity lines; and
 - That the provisions relating to network utilities are addressed in a standalone chapter which provides for:
 - Electricity lines and underground cables as a permitted activity in all zones, defaulting to restricted discretionary if compliance with the height controls cannot be complied with. Where compliance with the height standards cannot be achieved then consent should be required as a restricted discretionary activity.
 - Electricity lines and underground cables being a discretionary activity in all overlay areas.



- Ancillary electricity facilities (i.e substations and transformers) are provided for in all zones as a permitted activity, defaulting to restricted discretionary activities where compliance with height standards cannot be achieved.
- Maintenance and minor upgrading of all electricity lines and cables as a permitted activity in all zones and overlay areas and not subject to any performance standards.
- Vegetation trimming and clearance required to maintenance the safe and efficient operation of electricity asserts is a permitted activity in all zones and overlay areas.

C. Relief Sought

1. Amend the relevant provisions in Proposed Thames Coromandel District Plan to recognise and ensure:

- The sustainable management of Powerco’s assets as a physical resource;
- The NPSET is given effect to, with consequential recognition being given to Powerco’s supporting sub-transmission and distribution networks;
- Effect is given to the policies of the Operative and Proposed RPS and in particular Objective 3.11 and Policies 6.6 of the Proposed RPS;
- Protection of the existing network from issues of reverse sensitivity;
- Maintenance of amenity and public safety around electricity lines; and
- That the provisions relating to network utilities are addressed in a standalone chapter which provides for:
 - New electricity lines and underground cables as a permitted activity in all zones, defaulting to restricted discretionary if compliance with the height controls cannot be complied with. Where compliance with the height standards cannot be achieved then consent should be required as a restricted discretionary activity.
 - New electricity lines, underground cables and electricity facilities being a discretionary activity in all overlay areas.
 - New ancillary electricity facilities (i.e substations and transformers) are provided for in all zones as a permitted activity, defaulting to restricted discretionary activities where compliance with height standards cannot be achieved.
 - Maintenance and minor upgrading of all electricity lines and cables as a permitted activity in all zones and overlay areas and not subject to any performance standards.
 - Vegetation trimming and clearance required to maintenance the safe and efficient operation of electricity asserts is a permitted activity in all zones and overlay areas.



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

**SCHEDULE TWO: NETWORK UTILITIES (SECTION 19 DISTRICT WIDE OBJECTIVES AND POLICIES,
PART VIII ZONE RULES)**

- A. The specific part of the District Plan that is subject of this submission is:

Section 19 - Objectives and Policies

- Third paragraph in Section 19.2.1 – Supported
- Issues 19.2.1, 19.2.2 and 19.2.3 – Supported
- Objective 1 and Policy 1a – Supported
- Policies 1b, 1c and 1d – Opposed (amendments to these policies have been requested)
- Policy 1e –Supported
- Policy 1f and 1g – Opposed (amendments to these policies have been requested)
- Objective 2 and Policies 2a and 2b – Supported
- Policy 3a - Supported

Part II, Sections 40-59 – Zone Rules

- Powerco opposes the provision of the network utility rules in the Zone Chapters and requests that a standalone chapter for network utilities be included in the District Plan.
- Definition of minor upgrading – supported

- B. Reason for Submission:

Section 19 - Objectives and Policies

1. Powerco supports the third paragraph in Section 19.1.1 and Issues 19.2.2 and 19.2.2 which recognise the role that utilities play in the local community. The intent of Issue 19.2.3) is also supported as it recognises that inappropriate subdivision, use and development can affect the efficient operation and maintenance of network utilities.



2. Powerco supports Objective 1 which recognises the benefits of network utilities and appropriately focuses on the mitigation of adverse effects as opposed to avoidance.

3. Policy 1a reads as follows:

Policy 1a

New network utility infrastructure should not be located where they would be adversely affected by a natural hazard identified by a natural hazard overlay.

4. Powerco supports this policy on the basis that it does not preclude network utilities from being located in areas affected by natural hazards. This is important as due to the scale and nature of the linear electricity network the best route required to supply a particular area with electricity, may need to traverse areas affected by the natural hazards overlay. Powerco will endeavour to avoid locating electricity infrastructure in hazard areas, but in some cases it may not be possible where the assets are required to supply an area with electricity. Where natural hazards areas are required to be traversed Powerco's assets can be designed to withstand the hazard though additional stabilisation and resistant building material.

5. Policy 1b reads as follows:

Policy 1b

The establishment, operation, maintenance and upgrading of network utilities shall be enabled whilst avoiding adverse effects on the coastal environment, natural character and historic heritage.

6. This policy should be amended to also refer to "mitigating and remedying" to be consistent with the approach taken in the RMA. In some cases any adverse effects cannot be avoided, due to the requirement for the network utilities to locate in a particular area. However, such effects may be remedied or mitigated and this should be recognised in the policy framework of the District Plan.

7. Policy 1c reads as follows:

Policy 1c

New network utility infrastructure shall be placed underground, unless:

- a) A natural or physical feature precludes the establishment or operation of the underground network utility;*
- b) The operation and use of the network utility can only be achieved above ground or is already existing;*
- c) The surrounding environment is likely to be adversely affected;*
- d) It is in the Rural Area, outside of the Coastal Environment;*
- e) The utility reticulation infrastructure is for renewable energy generation.*



8. This policy is generally supported; however a new clause should be included in the policy to recognise that in some cases it is not practicable to locate electricity assets underground due to technical and economic constraints arising from the large areas they traverse and the underlying topography. For example the Coromandel Peninsular generally comprises rugged topography with remote settlements; this means that overhead lines are often the only practicable way to supply service in an efficient and cost effective manner.

9. Policy 1d reads as follows:

Policy 1d

New network utility infrastructure that is not linear (e.g. cables, wires) may be located above ground where the adverse effects can be mitigated

10. It is assumed that the intent of this policy is to provide for lineal network utilities such as electricity lines (note that cables are underground electricity lines) to be located above ground where the adverse effects can be mitigated. If this is the case then reference to “not” needs to be removed from the Policy. Furthermore, the qualifier “to the extent practicable” should be included in the policy. This is because in activities associated with the establishment, operation, maintenance and upgrading of many forms of infrastructure inevitably generate some level of adverse environmental effects on the environment. Such effects might include visual impacts, noise or earthworks. In some cases it is difficult to mitigate the adverse effects on visual amenity associated with electricity line support structures given their size and scale. With respect to the development of new high voltage transmission lines, the primary way to minimise the lines’ adverse effects is through a careful route selection process that determines the best route in environmental and development cost terms. As part of the route selection process significant landscapes and other sensitive areas will be identified and taken into account when arriving at the most appropriate line route. Depending on the nature of the receiving environment the location of a new line may avoid a particular sensitive area. Alternatively it may have to traverse that area because to do otherwise may result in greater overall effects. It is important that the policy framework of the District Plan recognises that, in some cases, particularly with regard to large infrastructure projects, it is difficult to avoid, remedy or mitigate the full range of effects but that these can be minimised by the route selection process.
11. Powerco supports Policy 1e and seeks that it is retained in the District Plan.
12. Powerco supports the intent to Policy 1g which reads as follows:



The co-siting of network utility infrastructure shall be encouraged to minimise the adverse visual effects of multiple masts, towers and lines.

13. However this policy should be amended to recognise that in some circumstances it is not practicable due to technical and operational constraints to co-site network utilities.
14. Powerco supports Policy 1f which provides for network utilities in outstanding natural landscapes where the infrastructure is subject to a significant functional constraint and the adverse effects are outweighed by the overall economic, social and/or environmental benefits and where the route/site selection process has identified no feasible alternative.
15. Powerco supports Objective 2 and supporting Policies 2a and 2b as these seek to ensure that subdivision, land use and development does not affect the ongoing operation and maintenance of network utilities.
16. Policy 3a(c) is supported as it is important that regard is had to the location of electricity transmission and distribution networks associated with any renewable energy developments. This is important as some of the larger renewable energy developments may require connection to the National Grid and/or generate the need for local distribution connections. It is important that all of the effects of construction and operation of utility scale renewable electricity generation, including the effects of access and transmission, are assessed as a single 'package' of effects; otherwise the viability of renewable energy projects could be compromised.

Part II, Sections 40-59 – Zone Rules

Standalone Network Utilities Chapter

17. The rules relating to network utilities are located in each individual zone chapters (Part 8), and in some overlay chapters (Part 6 – eg: within the Landscape and Natural Character overlays). This approach for the management of network utility operations is not supported by Powerco. Given the specific nature and function of network utilities, they should be provided for in a separate, standalone network utilities chapter, in the same way that transportation and contaminated land is provided for (in Part 7 – District Wide Rules).
18. There are a number of factors that in combination make network utilities unique activities and which justify them being dealt with separately. These include:
 - Lineal network utilities are developed operated and maintained over distances that span numerous zones within a district and span districts and regional boundaries;
 - Network utilities are essential functions that form part of the fabric of modern society;



- Due to their nature and function there is difficulty in avoiding, remedying or mitigating adverse effects (e.g. it is not possible to readily screen electricity poles), hence choice of location (route) is usually the primary means to reduce effects;
 - Utilities are of strategic importance to the district and if society is to enjoy the benefits of such facilities it has to be prepared and most often does accept a greater level of effect from such facilities than for other types of developments;
 - Existing utilities have to be maintained and upgraded to meet increasing demand;
 - The unique role and function of network utilities and the problems they face is recognised in the Act by allowing network utility operators to become requiring authorities;
 - A standalone chapter would make the approach to the management of such network utilities more consistent across the district, in particular for the maintenance and upgrading of existing infrastructure.
19. Considering utilities on a district-wide basis and containing all rules pertaining to utilities in a separate section will assist plan administration and enable both network utility operators and the community to be able to easily determine the status of an activity and a clearer understanding and application of appropriate rule cascades. For example, a new electricity line may be required to traverse many different zones and may trigger different consents depending on the zone. Other network utilities will have the same form and function, irrespective of their site (or zone) specific location. Therefore, it is more appropriate to have one set of rules apply to network utilities across all zones. If there are other provisions or standards that are to apply to utilities, these should be clearly incorporated within the utility chapter but with appropriate recognition of the nature, scale and function of existing utilities.
20. Powerco seeks that the stand alone network utilities chapter be included in the District plan by way of a variation which provides the following:
- New electricity lines and underground cables as a permitted activity in all zones, defaulting to restricted discretionary if compliance with the height controls cannot be complied with. Where compliance with the height standards cannot be achieved then consent should be required as a restricted discretionary activity.
 - New electricity lines, underground cables and electricity facilities being a discretionary activity in all overlay areas.
 - New ancillary electricity facilities (i.e substations and transformers) are provided for in all zones as a permitted activity, defaulting to restricted discretionary activities where compliance with height standards cannot be achieved.



- Maintenance and minor upgrading of all electricity lines and cables as a permitted activity in all zones and overlay areas and not subject to any performance standards.
- Vegetation trimming and clearance required to maintenance the safe and efficient operation of electricity asserts is a permitted activity in all zones and overlay areas.

21. If the Council chooses not to include a standalone network utilities chapter in the District Plan then Powerco has the following comments with regards to the current network utility provisions:

Provision for electricity lines

22. Currently the activity status for new electricity lines varies depending on the underlying zone. With new above ground lines being a discretionary or non-complying activity in some zones. Powerco seeks that all electricity lines (above and below ground) are provided for as a permitted activity in all zones and are only subject to standards relating to height (refer to paragraph 27 for further discussion). Where compliance with the height standards cannot be achieved, consent should be required as a restricted discretionary activity.

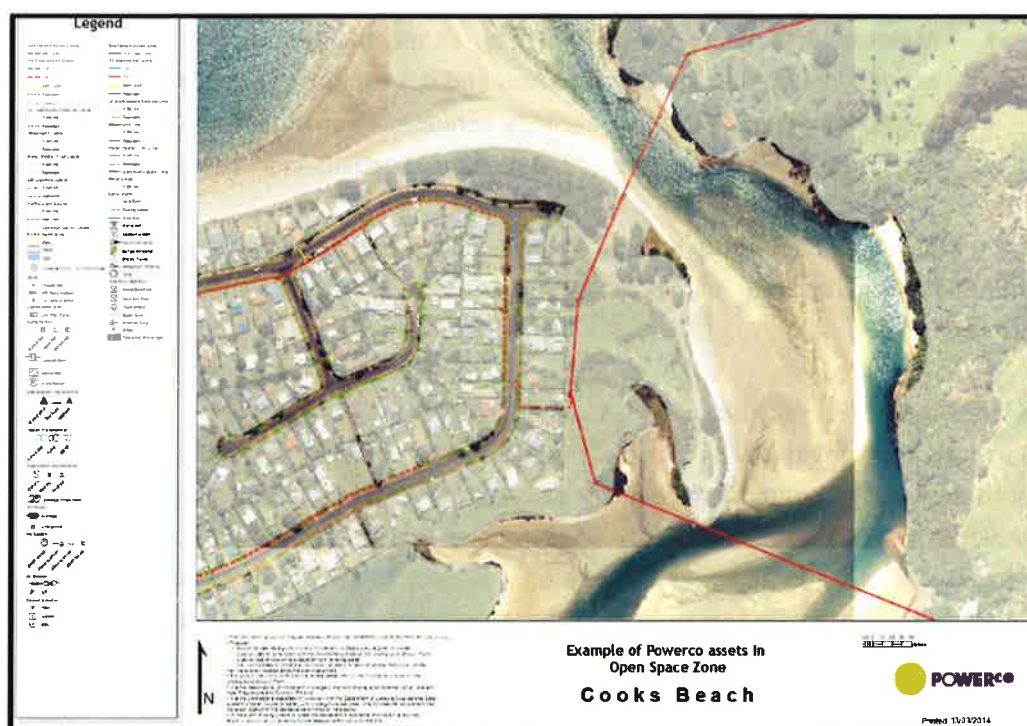
23. Powerco will generally try to locate electricity lines underground in the urban areas. However in some cases this may not be practicable due to technical and functional constraints or where there are existing above ground lines in the area. The nature of the Coromandel Peninsula (rugged topography with remote settlements) is such that overhead lines are often the only practicable way to supply service to some areas in an efficient and cost effective manner and this should be recognised in the District Plan.

Electricity or telecommunication facilities

24. Electricity facilities such as transformers and substations are important components of the electricity network and are essential for maintaining a reliable and secure supply of electricity. Such facilities should be permitted in all zones. It is noted electricity or telecommunication facilities are prohibited in the Open Space Zone. This activity status is opposed, it does not provide any consideration for the appropriateness of electricity facility areas.

25. There may be instances where new electricity facilities are required to be located in the Open Space Zone to provide electricity to that area or where the route selection determines that this is the best location in terms of the overall adverse effects. Prohibiting network utilities in the open space zone is inconsistent with the policy framework of the RPS and the District Plan which is to recognise and provide for network utilities, given their significant benefit to the community. For example Powerco has electricity assets traversing Cooks Beach which is zoned "open Space" see below:





26. It is important that Powerco can continue to supply electricity to these areas and a prohibited activity status would no enable the provision of electricity and is therefore inconsistent with the RPS.

Requirement to comply with standards

27. It is not appropriate to require electricity lines and facilities to comply with the zone standards such as yards, height in relation to boundary and building coverage. Such standards are particularly problematic for the minor upgrading of electricity infrastructure. For example, resource consent could be triggered for maintenance and upgrading works on an existing electricity line support structure that does not comply with the yard requirements of the underlying zone. This could result in unnecessary delays to such works and therefore jeopardising a reliable and secure supply of electricity to the District. Furthermore, this seems contrary to Objective 1 in Section 19 of the District Plan which seeks to recognise the social and economic benefits of network utilities and Policy 1b in Section 19 of the District Plan which provides for the upgrading of works network utilities.
28. There may be instances where new electricity lines can be designed, through the route selection process, to achieve compliance with setback standards of the underlying zone. However, this may not result in the best environmental outcome. For example additional support structures may be located on a property in order to achieve appropriate separation distances. It is noted that Powerco would be required to obtain an easement for any new line traversing private property.



29. Furthermore, it is unnecessary to require electricity facilities (e.g. substations and transformers) to comply with the setback standards of an underlying zone. These structures are generally significantly smaller in scale than the typical buildings and structures that the zone provisions are seeking to control and therefore would not have the same impact on the streetscape or adjoining sites.
30. Powerco would support network utilities being subject to height standards only. An appropriate height standard to cover the majority of Powerco's electricity line support structures would be 15m. Powerco would support all relevant network utilities being subject only to a height standard of 15m for electricity lines. Powerco would accept electricity facilities being subject to the height standards of the underlying zone.

Minor Upgrading of an electricity line

31. Currently in the majority of the zones, minor upgrading of an above ground line is a permitted activity subject to compliance with the standards of the underlying zone. Such standards typically relate to height, coverage, height in relation to boundary etc. As discussed previously, it is not appropriate to require such activities to be subject to standards. It is important that minor upgrading works can occur unfettered to ensure a reliable and constant supply of electricity to the District.
32. Minor upgrading activities can involve the replacement, on a like for like basis, of equipment, basic repair and preservation activities. It may also involve the replacement of a tower or pole in the same location or within the existing alignment of the electricity line corridor or an increase in tower or pole height required to comply with the New Zealand Electrical Code of Practice For Electrical Safe Distances 34: 2001 (NZECP 34:2001). Such works are fundamental to securing a reliable source of supply for the electricity sub-transmission and distribution network and it is inappropriate to require such activities to comply with zone standards where consent may be triggered. The minor upgrading of electricity lines should be a permitted activity in all zones and overlay areas and should not be subject to performance standards in any zones.
33. Powerco supports the definition of minor upgrading in the District Plan which reads as follows:

Minor Upgrading of an Electricity or Telecommunication Line means an increase in the carrying capacity, efficiency or security of an electrical or telecommunication operation that uses the existing support structures, or structures with a similar scale, character, bulk and form. It includes maintenance, limited upgrading and replacement.

Examples of minor upgrading include:

- *The addition of circuits and conductors;*
- *The re-conducting of the line with higher capacity conductors;*



- *The re-sagging of conductors;*
- *The bonding of conductors;*
- *The addition of longer or more efficient insulators;*
- *The addition of earth wires which may contain telecommunication lines, earthpeaks and lightning rods;*
- *The addition of electrical fittings;*
- *Tower replacement in the same location or within the existing alignment of the transmission line corridor;*
- *The replacement of existing cross arms with cross arms of an alternative design;*
- *An increase in support structure height required to comply with the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001).*

34. Powerco seeks that this definition is retained in the District Plan.

C. Relief Sought:

1. Retain without modification the third paragraph in Section 19.2.1 as follows:

Whilst network utilities have a role in the efficient functioning of the community, they also have the potential to create adverse environmental effects, particularly on visual amenity, the natural character of the environment and landscape values. The inappropriate installation, siting, design, operation, maintenance and upgrading of network utilities have the potential to adversely affect the health and safety of people and communities. Similarly, other activities including the location of buildings and/or landscaping in close proximity to existing network utilities have the potential to compromise the efficient development, use and maintenance of utilities.

2. Retain without modification Issues 19.2.1, 19.2.2 and 19.2.3 as follows:

1. Network utilities in the District may have adverse effects on the environment, but play an essential role in providing services to the District's communities.

2. Inadequate and unreliable supply of network utility infrastructure throughout the District can undermine economic growth, the sustainable management of resources and adversely affect community wellbeing.

3. The safe and efficient operation and maintenance of network utilities can be put at risk from inappropriate subdivision, land use and development which can result in reverse sensitivity effects.



3. Retain without modification Objective 1 as follows:

Objective 1

The social and economic benefits of network utilities are recognised and provided for while ensuring that their adverse effects are mitigated

4. Retain without modification Policy 1a as follows:

Policy 1a

New network utility infrastructure should not be located where they would be adversely affected by a natural hazard identified by a natural hazard overlay.

5. Amend Policy 1b to refer to “remedy or mitigate” as follows:

Policy 1b

The establishment, operation, maintenance and upgrading of network utilities shall be enabled whilst avoiding, remedying and mitigating adverse effects on the coastal environment, natural character and historic heritage.

6. Amend Policy 1c to recognise that in some cases it is not technically or economically feasible to locate network utility infrastructure underground. This can be achieved as follows:

Policy 1c

New network utility infrastructure shall be placed underground, unless:

- a) A natural or physical feature precludes the establishment or operation of the underground network utility;*
- b) The operation and use of the network utility can only be achieved above ground or is already existing;*
- c) The surrounding environment is likely to be adversely affected;*
- d) It is in the Rural Area, outside of the Coastal Environment;*
- e) The utility reticulation infrastructure is for renewable energy generation.*
- x) It is impracticable, taking into account environmental, technical and economic constraints and opportunities;*

7. Amend Policy 1d as follows:

Policy 1d

New network utility infrastructure that is ~~not~~ linear (e.g. cables, wires) may be located above ground where the adverse effects can be mitigated to the extent practicable.

8. Retain without modification Policy 1e as follows:



Network utilities should be developed, operated, maintained and upgraded to minimise nuisance effects such as noise, light, vibration, odour or hazardous substances

9. Amend Policy 1f as follows:

New network utilities shall not be located in outstanding landscapes, amenity landscapes and natural character areas unless:

a) The infrastructure is subject to a significant functional constraint and the adverse effects are outweighed by the overall economic, social and/or environmental benefits; and

b) The route/site selection process has identified no feasible alternative.

10. Amend Policy 1g to recognise that in some cases it is not practicable to co-site network utilities.

The co-siting of network utility infrastructure shall be encouraged to the extent practicable to minimise the adverse visual effects of multiple masts, towers and lines.

11. Retain without modification Objective 2 and Policies 2a and 2b as follows:

Objective 2

The operation and maintenance of network utilities is protected from adverse effects of other land use activities.

Policy 2a

Existing and future electricity transmission corridors shall be identified and protected when planning and managing areas of new development.

Policy 2b

Subdivision, land use and development shall be designed and located to avoid the establishment of sensitive activities and vegetation close to network utilities that may compromise the operation and maintenance of the network utility.

12. Retain without modification Policy 3a as follows:

On site electricity generation from renewable sources shall be encouraged in a manner that mitigates adverse environmental effects, while having regard to:

a) The nature and location of the renewable energy source;



b) Logistical or technical practicalities associated with developing, operating and maintaining the renewable energy generation activity;

c) The location of existing and proposed new support structures and infrastructure (e.g. roads, telecommunication structures and facilities, electricity distribution and transmission facilities, structures and lines);

d) The nature and location of existing renewable energy generation activities; and

e) The positive effects of offsetting greenhouse gas emissions

13. Include, by way of a variation, a standalone chapter for all rules associated with network utilities which contains a comprehensive suite of district wide provisions that provide for the following:

- New electricity lines and underground cables as a permitted activity in all zones, defaulting to restricted discretionary if compliance with the height controls cannot be complied with. Where compliance with the height standards cannot be achieved then consent should be required as a restricted discretionary activity.
- New electricity lines, underground cables and electricity facilities being a discretionary activity in all overlay areas.
- New ancillary electricity facilities (i.e substations and transformers) are provided for in all zones as a permitted activity, defaulting to restricted discretionary activities where compliance with height standards cannot be achieved.
- Maintenance and minor upgrading of all electricity lines and cables as a permitted activity in all zones and not subject to any performance standards.
- Vegetation trimming and clearance required to maintenance the safe and efficient operation of electricity asserts is a permitted activity in all zones and overlay areas.

14. If the Council does not adopt a standalone network utilities chapter then, delete all existing rules in all Zone Sections (Sections 40-59) relating to new aboveground lines, new underground cables, electricity telecommunication facilities and minor upgrading of electricity lines and replace them with the following rules in each section:

Rule X

New aboveground lines

New underground cables

Electricity telecommunication facility

1. Any activity listed in Rule 7 is a permitted activity provided:

- a. *All electricity lines and their support structures do not exceed a height of 15m.*



- b. *All electricity and telecommunication facilities do not exceed the height limits in the underlying zone.*
 - c. *The ground surface and any vegetation that has been disturbed are reinstated upon completion unless covered by a building or landscaping; and*
2. *Any aboveground line, underground cables, electricity telecommunication facility that is not permitted by Rule X.1 is a restricted discretionary activity.*

Rule X

The minor upgrading of an electricity line is a permitted activity.

15. Retain without modification the definition of Minor Upgrading as follows:

Minor Upgrading of an Electricity or Telecommunication Line

means an increase in the carrying capacity, efficiency or security of an electrical or telecommunication operation that uses the existing support structures, or structures with a similar scale, character, bulk and form. It includes maintenance, limited upgrading and replacement

Examples of minor upgrading include:

- *The addition of circuits and conductors;*
- *The re-conducting of the line with higher capacity conductors;*
- *The re-sagging of conductors;*
- *The bonding of conductors;*
- *The addition of longer or more efficient insulators;*
- *The addition of earth wires which may contain telecommunication lines, earthpeaks and lightning rods;*
- *The addition of electrical fittings;*
- *Tower replacement in the same location or within the existing alignment of the transmission line corridor;*
- *The replacement of existing cross arms with cross arms of an alternative design;*
- *An increase in support structure height required to comply with the New Zealand Electrical Code of Practice 34:2001 (NZECP 34:2001).*

Minor upgrading does not include an increase in the voltage of the line over 33 kV unless the line has been constructed to operate at the higher voltage but has been operating at a reduced voltage

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



SCHEDULE THREE: BACKGROUND ON HOW TO USE THE PLAN (PART 1, SECTION 1)

A. The specific part of the District Plan that is subject of this submission is:

- Activity Summary Table in Volume 1, Part 1, Section - Supported
- Definition of “electricity or telecommunication facility” - Supported
- Paragraphs 3 and 4 in Volume 1, Part 1, Section 1.5 relating to the application of activity tables – Opposed.

B. Reason for Submission:

1. Powerco supports the following activities being provided for in the Activity Summary Table in Volume 1, Part 1, Section 1 and seeks that they are retained in the District Plan.

<i>ELECTRICITY AND TELECOMMUNICATION DISTRIBUTION, TRANSMISSION AND GENERATION</i>
<i>Above-ground electricity or telecommunication line</i>
<i>Amateur radio configuration</i>
<i>Electricity or telecommunication facility</i>
<i>Minor upgrading or removal of an electricity or telecommunication line</i>
<i>Solar panel</i>
<i>Telecommunication mast, tower, dish and associated antenna and equipment</i>
<i>Underground electricity or telecommunication line</i>
<i>Wind turbine</i>

2. Powerco supports the definitions of “electricity or telecommunication facility” which reads as follows:

Electricity or telecommunication facility means a building, not otherwise defined in the Plan, that houses a component(s) of an electrical or telecommunication network. Examples include:

- *Substation*
- *Transformer and switching station*
- *Phone box*
- *Telecommunication shelter or cabinet, telecommunication depot/workshop*



3. Volume 1, Part 1, Section 1.5 contains the following statement with respect to the function of the Activity Table at the end of Section 1

If an activity is not listed in the activity table at the beginning of the applicable zone rule section, and is not listed in the activity table for any district-wide rule section, but is listed in the Activity Summary Table at the end of Section 1, the activity is non-complying and resource consent is required. An overlay rule or special purpose provision can override this as shown in Figure 2 above.

4. Powerco opposes the wording of this paragraph. As it currently reads any activity that is not listed in either the district wide rules or the zone rules would be considered a discretionary activity. However paragraph 11 in Section 1.6 clearly states that the district wide rules are not repeated in the zone rule sections for convenience. In that case any District wide rule should technically be a non-complying activity as it is not provided for in the zone rules.
5. Powerco also opposes the non-complying activity status. Powerco considers that if an activity is provided for by the Plan in the Activity Table in Section 1 then it should be provided for as a discretionary activity as opposed to apply a non-complying activity. To apply a non-complying status to such activities implies that they are not provided for by the District Plan, however they are specifically identified in the activity table. A discretionary activity status would better suit such activities as it would clearly signal that they are anticipated in the Plan. As a general rule, Powerco supports a default to discretionary activity status for network utility activities (refer to Section 3 of this submission for more information).
6. In light of the above this paragraph should be amended to read as follows:

If an activity is not listed in the activity table at the beginning of the applicable zone rule section, ~~and~~ or is not listed in the activity table for any district-wide rule section, but is listed in the Activity Summary Table at the end of Section 1, the activity is discretionary ~~non-complying~~ and resource consent is required. An overlay rule or special purpose provision can override this as shown in Figure 2 above.

7. Volume 1, Part 1, Section 1.5 contains the following statement with respect to the function of the Activity Table at the end of Section 1

If an activity is not listed in any zone or district-wide activity table and is not listed in the Activity Summary Table at the end of Section 1, then it is not an activity that the Plan has contemplated. The activity is a discretionary activity, resource consent is required and the activity will be assessed on its merits against the policy framework in the Plan. An overlay or special purpose rule can override this as shown in Figure 2 above.



- 8. Powerco is not opposed to this statement being included in the District Plan, however a non-complying activity status may better reflect activities that are not contemplated by the District Plan.

C. Relief Sought:

- 1. **Retain without modification the Activity Summary Table in Volume 1, Part 1, Section 1 as follows:**

<i>ELECTRICITY AND TELECOMMUNICATION DISTRIBUTION, TRANSMISSION AND GENERATION</i>
<i>Above-ground electricity or telecommunication line</i>
<i>Amateur radio configuration</i>
<i>Electricity or telecommunication facility</i>
<i>Minor upgrading or removal of an electricity or telecommunication line</i>
<i>Solar panel</i>
<i>Telecommunication mast, tower, dish and associated antenna and equipment</i>
<i>Underground electricity or telecommunication line</i>
<i>Wind turbine</i>

- 2. **Retain without modification the definition of “electricity or telecommunication facility” as follows:**

Electricity or telecommunication facility means a building, not otherwise defined in the Plan, that houses a component(s) of an electrical or telecommunication network. Examples include:

- *Substation*
- *Transformer and switching station*
- *Phone box*
- *Telecommunication shelter or cabinet, telecommunication depot/workshop*

- 3. **Make the following changes to the following clause in Volume 1, Part 1, Section 1.5 relating to the application of activity tables as follows:**

If an activity is not listed in the activity table at the beginning of the applicable zone rule section, ~~and~~ or is not listed in the activity table for any district-wide rule section, but is listed in the Activity Summary Table at the end of Section 1, the activity is discretionary ~~non-complying~~ and resource consent is required. An overlay rule or special purpose provision can override this as shown in Figure 2 above.



If an activity is not listed in any zone or district-wide activity table and is not listed in the Activity Summary Table at the end of Section 1, then it is not an activity that the Plan has contemplated. The activity is a discretionary activity, resource consent is required and the activity will be assessed on its merits against the policy framework in the Plan. An overlay or special purpose rule can override this as shown in Figure 2 above.

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



SCHEDULE FOUR: BIODIVERSITY (PART 2 SECTION 6 – OBJECTIVES AND POLICIES and PART 6 SECTION 29- RULES)

A. The specific part of the District Plan that is subject of this submission is:

Section 6 – Objectives and Policies

- Objective 2– Supported.
- Policy 2a – The intent of the policy is supported but changes are requested to provide for trimming of indigenous vegetation.
- Policy 2b – Opposed in part.

Section 29 – Rules

- Rule 2.1 – The rule is opposed and changes are requested to provide for trimming and clearing of indigenous vegetation to ensure compliance with the Electricity (Hazards from Trees) Regulations 2003 is achieved.
- Rule 30.1 the intent of the rule is supported and changes are requested to provide for trimming and clearing of indigenous vegetation to ensure compliance with the Electricity (Hazards from Trees) Regulations 2003 is achieved.
- Rule 3.2 – Supported.
- Restricted Discretionary Matters f) and g) in Table 2 in Part 6, Section 29 – Supported.

B. Reason for Submission:

Section 6 – Objectives and Policies

1. Powerco generally supports the intent of the Biodiversity Chapter which is to protect areas of significant indigenous vegetation and significant habitats of indigenous fauna from subdivision use and development of land. However, Powerco seeks to ensure that the provisions of the District Plan do not impose unnecessary constraints on vegetation trimming and clearance associated with the protection of public safety, the vegetation itself and Powerco’s electricity assets.
2. Vegetation growing too close to existing electricity lines pose very real risks to the operation of the line as a result of flashovers. A flashover¹ can be caused by vegetation coming into contact with the lines and may result in:

¹ A flashover is the term used to describe a momentary, but major electric arc usually across an insulator string.



- An outage of electricity supply to communities, people and industry; or
 - Trees to become live (and catch fire) resulting in safety risks to the public.
3. The Electricity Act 1992 provides Powerco with the ability to continue to inspect, maintain (including to replace and upgrade) and operate its electricity infrastructure as necessary. The Electricity (Hazards from Trees) Regulations 2003 came into force in December 2003. The purpose of the Regulations is to protect the security of supply of electricity and the safety of the public.
 4. Trees must be located and managed by the tree owner to comply with the Growth Limit Zones between line conductors and trees as prescribed by the Regulations. The Tree Regulations set out the process by which Powerco may do this on behalf of the tree owner. All of Powerco's lines are inspected on approximately a 6-monthly basis to ascertain the potential hazard posed to the assets by any vegetation. Pursuant to the Tree Regulations, vegetation that is likely to pose a risk to the integrity of the network is trimmed or sometimes cleared. In some situations, Powerco needs to be able to undertake such works with urgency, in response to a particular situation or incident.
 5. Powerco seeks to ensure that the trimming, clearance, modification or destruction of indigenous vegetation necessary for the construction, operation, maintenance and/or upgrading of electricity lines is provided for in the District Plan as a permitted activity.
 6. Currently, there is no provision for trimming by network utility operators within Section 29. While the rules in Section 29 relate to the clearance of indigenous vegetation, there is no definition of clearance of indigenous vegetation and so it is not clear whether the rules are intended to cover tree trimming as well as tree removal. There may be instances where Powerco is only required to trim vegetation in order to achieve compliance with the Tree Regulations. There is nothing in the District Plan that provides for trimming of indigenous vegetation and therefore it is assumed to be a permitted activity. However, for the avoidance of doubt, Powerco requests appropriate provision also be included in the District Plan for tree trimming.
 7. On that basis, Powerco supports Objective 2 which read as follows:

Objective 2

The establishment, maintenance and upgrading of public infrastructure and network utilities minimises the removal of indigenous vegetation and its ecological effects.

8. Policy 2a reads as follows:

Policy 2a



Limited indigenous vegetation clearance or trimming shall be enabled where necessary for the safe maintenance and functioning of roads, accessways and utilities.

9. This Policy should be amended to also provide for the trimming of vegetation as in most cases it is possible to just trim the vegetation to remove any safety risk.

10. Policy 2b reads as follows:

Policy 2b

Where there is no alternative option, clearance of indigenous vegetation for the installation of new roads, utilities, telecommunications, electricity and other services should be enabled, provided:

- a) Actions are taken to minimise the area of clearance; and*
- b) Actions are taken to restore ecological connections; and*
- c) There is no net loss of biodiversity values (this may be achieved through remediation or mitigation on the site or off the site).*

11. Powerco request that clause c) be removed from the policy as it is subjective and can be difficult to administer.

Section 29 – Rules

12. Powerco supports Rule 3.1(d) which provides for the removal of indigenous vegetation in the Rural Area which endangers human life or existing buildings or structures, or poses a risk to the integrity of, the safe use of, or access to existing network utilities as a permitted activity. However, there is no provision for such activities outside of the Rural Environment. As Powerco's electricity infrastructure traverse the entire district and are not confined to the Rural area, a similar rule should be included in Rule 2 – clearing indigenous vegetation outside of the rural area.

13. Rule 3.1 k) reads:

1. Clearing indigenous vegetation in the Rural Area is a permitted activity provided

.....

k) It is for clearing 5 m either side of existing network utility infrastructure and is undertaken by or commissioned by the network utility operator; or

....

14. This rule does not provide for vegetation clearance in association with new network utilities or for trimming associated with network utilities. Furthermore, in relation to overhead electricity lines, there may be some circumstances where more than 5m is required in order to achieve compliance with the Tree Regulations. Also, it is not clear where the 5m is to be measured from (i.e vertical or horizontal measurement or both) or when the measurement is to be taken



(i.e from normal conditions or from the maximum 'blow out' of the line during windy conditions. On that basis, Powerco would support the inclusion of a new clause in the rule which provides for vegetation clearance associated with a new or existing electricity line which is required to achieve compliance with the Electricity (Hazards from Trees) Regulations 2003. This could read as follows:

1. Clearing or trimming indigenous vegetation in the Rural Area is a permitted activity provided

.....

It is to erect or protect a power line when vegetation is-cleared or trimmed to achieve compliance with the Electricity (Hazards from Trees) Regulations 2003 ; or

.....

15. A similar Rule should also be included in Rule 2 (clearing indigenous vegetation outside of the rural area) because, as discussed previously, Powerco's assets are not confined to the Rural Area.

C. Relief Sought:

That Vegetation trimming and clearance required to maintenance the safe and efficient operation of electricity asserts is a permitted activity in all biodiversity and overlay areas. This can be achieved as follows:

1. Retain without modification Objective 2 and Policy 2b in Part 2, Section 6 as follows:

Objective 2

The establishment, maintenance and upgrading of public infrastructure and network utilities minimises the removal of indigenous vegetation and its ecological effects.

2. Amend Policy 2b as follows:

Policy 2b

Where there is no alternative option, clearance of indigenous vegetation for the installation of new roads, utilities, telecommunications, electricity and other services should be enabled, provided:

- a) Actions are taken to minimise the area of clearance; and*
- b) Actions are taken to restore ecological connections; and*
- c) ~~There is no net loss of biodiversity values (this may be achieved through remediation or mitigation on the site or off the site).~~*



3. Amend Policy 2a in Part 2, Section 6 to provide for the trimming of indigenous vegetation for tree trimming as follows:

Policy 2a

Limited indigenous vegetation clearance or trimming shall be enabled where necessary for the safe maintenance and functioning of roads, accessways and utilities.

4. Amend Rule 2.1 – Clearing indigenous Vegetation outside of the Rural area in Part 6, Section 29 as follows:

1. Clearing indigenous vegetation outside of the Rural Area, excluding the Conservation Zone, is a permitted activity provided:

a) The lot is less than 4,000 m²; and

b) The lot is connected to a reticulated water supply and reticulated wastewater system; and

c) The indigenous vegetation is not protected by a conservation covenant registered or encumbered with the Council, or Queen Elizabeth II National Trust, or Nga Whenua Rahui, unless the covenant provides for the clearance; or

x) It is for trimming or removing vegetation that endangers human life or existing buildings or structures, or poses a risk to the integrity of, the safe use of, or access to existing network utilities; or

x) It is to erect or protect a power line when vegetation is-cleared or trimmed to achieve compliance with the Electricity (Hazards from Trees) Regulations 2003 ; or

5. Retain without modification Rule 2.1 in Part 6, Section 29 as follows:

1. Clearing indigenous vegetation outside of the Rural Area, excluding the Conservation Zone that is not permitted under Rule 2. a) or b) is a restricted discretionary activity.

6. Amend clause d) in Rule 3.1 – Clearing indigenous Vegetation in the Rural area to provide for tree trimming in Part 6, Section 29 as follows:

*1. Clearing indigenous vegetation in the Rural Area is a **permitted activity** provided:*

.....

d) It is for ~~the~~ trimming or removing vegetation that endangers human life or existing buildings or structures, or poses a risk to the integrity of, the safe use of, or access to existing network utilities; or

.....

7. Include the following new clause in Rule 3.1 in Part 6, Section 29 as follows:



1. Clearing indigenous vegetation in the Rural Area is a **permitted activity** provided:

.....

x) It is to erect or protect a power line when vegetation is-cleared or trimmed to achieve compliance with the Electricity (Hazards from Trees) Regulations 2003 ; or

.....

8. Retain without modification Rule 3.2 in Part 6, Section 29 as follows:

Clearing indigenous vegetation in the Rural Area (excluding the Coastal Environment) that is not permitted under Rule 3.1 a) - l) is a restricted discretionary activity.

9. Retain without modification Restricted Discretionary Matters f) and g) in Table 2 in Part 6, Section 29 as follows:

f) Whether the extent of the proposed indigenous vegetation clearance is necessary for the proposed activity.

g) Whether remediation or mitigation can be undertaken to minimise the adverse effects of the vegetation clearance (i.e. replanting, enhancement of remaining vegetation).

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



SCHEDULE FIVE: LANDSCAPE AND NATURAL CHARACTER (PART 2 CHAPTER 9 – OBJECTIVES AND POLICIES and PART 6 CHAPTER 32 – OVERLAY RULES)

A. The specific part of the District Plan that is subject of this submission is:

Chapter 9 – Objectives and Policies

- Issues 9.2.1 and 9.2.2 – Intent is supported subject to minor amendments
- Objective 1 and Policy 1e – Supported
- Policy 1c – opposed in part.
- Objective 2 and Policy 2b – Supported
- New policies are requested to recognise the location of existing network utilities in outstanding landscape, natural character and amenity landscape areas and ensure that their operation, maintenance and upgrading is provided for.

Chapter 32 – Overlay Rules

- Rule 2 – Opposed and changes requested to explicitly permit earthworks associated with utility installation, maintenance, upgrading and/or removal in the Outstanding Landscape overlay areas.
- Rule 3.1 – Opposed and changes requested to provide for identification and warning signs associated with network utilities as a permitted activity.
- Rule 7 – Opposed and new rules recommended to provide for new electricity lines and cables and electricity facilities as a (at worst) a discretionary activity in in the Outstanding Landscape, Natural Character and amenity landscape overlay areas.
- New rules requested to request to provide for the operation, maintenance and minor upgrading of an existing electricity line as a permitted activity in the Outstanding Landscape, Natural Character and amenity landscape overlay areas.
- Rule 15 – Opposed and changes requested to explicitly permit earthworks associated with utility installation, maintenance, upgrading and/or removal in the Natural Character overlay areas in Section 32.7.

B. Reason for Submission:

1. Part 2, Chapter 9 of the District Plan contains a number of Objectives and Policies that seek to provide for the protection of outstanding landscape, amenity landscapes and natural character areas from subdivision, use and development and in particular the amenity and intrinsic values of these features. These areas are shown on the Planning Maps and that is supported.



2. The policy framework associated with the Landscapes and Natural Character Chapter properly focuses on the particular factors, values and associations that define an outstanding and important natural landscape. In that sense, Objective 1 and Policy 1e are supported. Powerco requests that Issues 9.2.1 and 9.2.2 are amended to refer to “inappropriate” subdivision, use or development, consistent with the RMA and is consistent with Objective 1 which reads as follows:

Outstanding Landscapes remain outstanding and their values and characteristics are protected from inappropriate subdivision, use and development and resulting adverse cumulative effects.

3. Powerco generally supports the intent of Policy 1c which reads as follows:

Network utilities that cannot practicably be located outside of an Outstanding Landscape shall be located away from ridgelines and prominent landforms. Where they must necessarily cross a ridgeline, the adverse visual effects shall be remedied or mitigated as far as practicable, such as by tunnelling underneath, camouflage or vegetative screens.

4. However reference to “tunnelling underneath, camouflage or vegetative screens” should be deleted from this Policy as tunnelling or undergrounding services can have significant effects in its own right and may be impracticable from a construction perspective (may not be able to get equipment to site). Camouflage & vegetation screens are likely to be incompatible with much of Powerco’s network.
5. Policy 1f in Part 3, Section 19 – Utilities, provides for the location of new network utilities in outstanding landscapes where:
- The infrastructure is subject to a significant functional constraint and the adverse effects are outweighed by the overall economic, social and/or environmental benefits; and
 - The route/site selection process has identified no feasible alternative.
6. The intent of this policy is supported but it should also be amended to refer to amenity landscapes and natural character areas also, given that there are no other policies relating to network utilities in those areas.
7. Powerco also opposes the absence of a policy framework providing for the maintenance and upgrading of existing network utilities. In accordance with the clause in Volume 1, Part 1, Section 1.5 with respect to the function of the Activity Table, underground cables are listed in the Activity Summary Table at the end of Section 1 but not in the Activity Table, therefore would be considered a non-complying activity in Outstanding Landscape, Amenity Landscape and Natural Character Overlays. An appropriate policy should be included for each overlay area which reads as follows:



Recognise existing network utilities within outstanding landscape overlay areas and amenity landscapes and provide for their ongoing operation, maintenance and upgrading requirements.

Outstanding Landscape Overlay Rules

Rule 2 - Earthworks

8. Earthworks is defined in the District Plan as:

Earthworks means the disturbance of land by excavating, moving, depositing and/or compacting of soil or rock.
9. Powerco seeks to ensure that earthworks associated with the utility installation, maintenance, upgrading and/or removal are a permitted activity in the Outstanding Landscape overlay areas.
10. Earthworks undertaken within an Outstanding Landscape Overlay area would be subject the underlying zone and district wide rules. Powerco generally supports this approach, provided the amendments Powerco has requested with respect to the earthworks zone rules are adopted (refer to Section 11 of this submission).
11. However earthworks within an Outstanding Landscape Overlay area are also subject to the following additional standards in Rule 2:
 - a) *It is not within 5 m of a permanent water body wider than 1 m; and*
 - b) *It is required to maintain the existing width of an existing operational legal road, legal right of way, operational farm or forestry road or driveway; or*
 - c) *The maximum volume is 10 m³ per site per calendar year.*
12. Earthworks undertaken in association with the construction, operation and maintenance of an electricity line would not comply with the permitted activity standards in Rule 2 as such earthworks are not required to maintain the existing width of an existing operational legal road, legal right of way, operational farm or forestry road or driveway. Also, for large sites containing more than one support structure, compliance with the maximum volume threshold per calendar year may not be achieved. This is because many of Powerco's electricity assets are located within the road reserve and therefore any earthworks would not be undertaken within a site boundary. Where, electricity lines traverse private land the earthworks associated with those assets are not linked to the activities on the site nor are they the responsibility of the land owner.



13. It also is noted that the NESETA permits earthworks within a natural area² of 50m³ per transmission line structure in a calendar year. While, the NESETA does not apply to Powerco's assets it does set a permitted activity envelope for the level of effects that can be anticipated in relation to earthworks associated with the maintenance and upgrading of the National Grid. It is noted that Powerco's assets are of a smaller scale than those of the National Grid and therefore any earthworks associated with their removal and/or replacement are likely to be of a smaller scale. Powerco would consider an appropriate threshold of 5m³ for earthworks associated with an electricity line support structure.
14. Therefore Rule 2 in Section 32.3 should be amended to explicitly permit earthworks associated with utility installation, maintenance, upgrading and/or removal in the Outstanding Landscape overlay areas provided the earthworks do not exceed 5m³ per support structure.

Rule 3 - Signs

15. In accordance with Rule 32.3 signs are permitted in an Outstanding Landscape overlay area are permitted activities provided:
- a) *It is erected by a government organisation or a local authority; or*
 - b) *It is on a site for no more than 7 consecutive days; or*
 - c) *It is required by a statute or regulation.*
16. Powerco submits that clause a) is amended to include signs erected by network utilities operators to ensure such signs are permitted activities. Signs on electric lines are essentially small in size are solely for the purposes of asset identification and warning people of safety hazards in the immediate vicinity, are only on display for the duration of the relevant hazards. Such signs are important for the identification of such assets and the safety requirements for works in the vicinity of the assets. In all cases they are attached to, and viewed within the context of, the support structure. It is considered appropriate to permit these signs in all areas throughout the District. Some examples of such signs are as follows:

Figure 1 – Signs on a Transformer

² **natural area** means an area that is protected by a rule because it has outstanding natural features or landscapes, significant indigenous vegetation, or significant habitats of indigenous fauna



Figure 2 – Signs on a Transformer



Figure 3 – Signs on an Electricity Pole



Rule 7 – Above-ground electricity or telecommunication line and Electricity or telecommunication facility

17. Rule 7 provides for above-ground electricity or telecommunication line and electricity facilities in an Outstanding Landscape overlay area as a non-complying activity. Powerco opposes a non-complying activity status for such activities. There is no provision in the Activity Table for underground electricity cables and therefore they would be considered a non-complying activity in accordance with Section 1.5.
18. Powerco considers that a non-complying activity status would be inappropriate for new electricity lines, cables and associated facilities traversing and located within an Outstanding Landscape overlay area as it would clearly signal that such activities are not provided for by the District Plan. To require a non-complying consent in this way would fail to recognise the regional significance of electricity infrastructure and the benefits associated with a reliable and secure supply of electricity. This would be inconsistent with Policy 6.6 of the WRPS which requires regard to be had the benefits that can be gained from the development and use of regionally significant infrastructure. It is also inconsistent with Policy 1f in Part 3, Section 19 – Utilities, provides for the location of new network utilities in outstanding landscapes where:
- The infrastructure is subject to a significant functional constraint and the adverse effects are outweighed by the overall economic, social and/or environmental benefits; and
 - The route/site selection process has identified no feasible alternative.

19. One of Powerco's key concerns with a non-complying activity status is in circumstances where a new electricity line may only traverse a small portion of an Outstanding Landscape overlay area but the bundling principle means that the entire length of the line becomes a non-complying activity. This would be onerous and disproportionate for proposals could otherwise be a permitted activity in most zones. For example such proposals would be required to meet a whole suite of District Plan objectives and policies (and not just those relating to outstanding natural landscapes).
20. A non-complying activity status would be inappropriate for regionally significant infrastructure which may be required, due to technical and operational constraints, to traverse an Outstanding Landscape overlay area where the route selection process determines that the route results in the best practicable environmental outcomes, or in circumstances where Outstanding Landscape overlay area cannot be avoided. Such technical and operational constraints on the location of a new electricity line include the requirement to:
 - Connect two fixed points. For example to connect a generation source with the National Grid or to connect two substations.
 - Provide connection to buildings within an Outstanding Landscape overlay area.
 - Meet minimum clearance distances (e.g. from the ground, buildings and structures and vegetation).
 - Accommodate the sag and swing of conductors in relation to load and environmental conditions (the longer the span the greater those effects, which influences the separation between support structures).
21. This is consistent with Policy 1f in Section 19 of the District Plan which recognises that it may be impracticable, due to the technical and operational constraints, for new electricity infrastructure to avoid traversing an Outstanding Landscape overlay area.
22. The policy framework of the District Plan clearly signals a circumstance where new infrastructure in an Outstanding Landscape overlay area is appropriate and this should be reflected in the rule framework by providing for new electricity lines and associated equipment in an Outstanding Landscape overlay area as (at worst) a Discretionary Activity.
23. It is also noted that wind turbines are provided for in Rule 6 in Section 32 as discretionary activities. Electricity lines are important for connecting the renewable energy generation source with the national grid and are often associated with renewable energy developments like wind turbines. It is therefore inappropriate to require a non-complying consent for electricity lines which may be required to connect the renewable energy generation source to the national grid.
24. There is no provision in Section 32.3 for the operation, maintenance and upgrading of existing electricity lines. As these activities are not referenced in Table 32.2, it seems they would be considered a non-complying activity in activity in accordance with Volume 1, Part 1, Section



1.5. A non-complying activity status for such activities is inconsistent with Policy 1b in Section 19 of the District Plan which provides for the operation, maintenance and upgrading of existing network utilities. The operation, maintenance and upgrading of existing electricity lines is essential for ensuring a reliable and secure supply of electricity and should be a permitted activity in all zones and overlay areas.

Amenity Landscape Overlay Rules – Section 32.5

Signs – Rule 9

25. A sign in the coastal living zone is a permitted activity provided that it complies with the following permitted activity standards:
- a) No more than two signs are on the site; and*
 - b) The collective surface area of all signs on the site is no greater than 5 m²; and*
 - c) The sign is no higher than 1.8 m*
26. Powerco's warning and identification signage is usually attached to the electricity infrastructure and is not associated with any other activities on the site, therefore it is inappropriate to group them together with other signs associated with other activities on the site. On that basis identification and warning signs associated with network utilities should be provided as a permitted activity in Rule 9. It is noted that Powerco's identification and warning signs will generally comply with standard c).

New electricity infrastructure and the operation, maintenance and upgrading of existing electricity infrastructure

27. There is no provision in the District Plan for new electricity lines or facilities nor for the operation, maintenance and minor upgrading of existing electricity lines or facilities in the Amenity Landscape overlay area. Therefore such activities would be considered a non-complying activity pursuant to Rule Volume 1, Part 1, Section 1.5. Powerco considers that a non-complying activity standard for such activities is inappropriate for the reasons previously discussed.
28. Therefore a new rule should be included in Section 32.5 which provides for new electricity lines and facilities as a discretionary activity and for the operation, maintenance and minor upgrading of existing electricity lines as a permitted activity in the amenity landscape overlay areas.

Section 32.7 – Natural Character Overlay Rules

Rule 15 – Earthworks

29. Rule 15 for earthworks in Natural Character overlay areas is the same as Rule 2 for the Outstanding Landscape overlay area. For the reasons previously discussed in relation to Rule 2, Rule 15 should be amended to explicitly permit earthworks associated with utility



installation, maintenance, upgrading and/or removal in the Outstanding Landscape overlay areas.

New electricity infrastructure and the operation, maintenance and upgrading of existing electricity infrastructure

30. There is no provision in the District Plan for new electricity lines or facilities nor for the operation, maintenance and minor upgrading of existing electricity lines or facilities in natural character overlay areas. Therefore such activities would be considered a non-complying activity pursuant to Rule Volume 1, Part 1, Section 1.5. Powerco considers that a non-complying activity standard for such activities is inappropriate for the reasons previously discussed.
31. Therefore a new rule should be included in Section 32.5 which provides for new electricity lines and facilities as a discretionary activity and for the operation, maintenance and minor upgrading of existing electricity lines in Natural Character areas as a permitted activity.

C. Relief Sought:

In relation to the Outstanding Landscape, Amenity Landscape and Natural Character Overlays ensure that:

- The policy framework appropriately recognises the presence of existing network utilities in the overlay areas and provides for their maintenance and minor upgrading.
- The policy framework appropriate recognises that new network utilities may need to locate in overlay areas where the route selection processes determines that there is no feasible alternative.
- Maintenance and minor upgrading of all electricity lines and cables is a permitted activity in all overlay areas and not subject to any performance standards.
- Vegetation trimming and clearance required to maintain the safe and efficient operation of electricity assets is a permitted activity in all overlay areas.
- New electricity lines, underground cables and electricity facilities are (at worst) a discretionary activity in all overlay areas.
- All asset identification and warning signs associated with network utilities are a permitted activity in the Outstanding Landscape, Amenity Landscape and Natural Character Overlays and are not limited by other signs already present on a site.
- Earthworks associated with the maintenance and minor upgrading of electricity lines is a permitted activity provided the volume of earthworks undertaken per support structure does not exceed 5m³.

This can be achieved as follows:



1. Make the following changes to Issues 9.2.1 and 9.2.2:

1. Inappropriate Subdivision, use and development can degrade the values and characteristics of the District's outstanding and amenity landscapes by:

- a) Being visually obtrusive; and*
- b) Dominating the landscape and landform; and*
- c) Removing areas of indigenous vegetation; and*
- d) Modifying key landscape elements; and*
- e) Obscuring natural features; and*
- f) Creating visual scars; and*
- g) Being inappropriate in terms of location, design or scale; and*
- h) Providing for small activities with minor adverse effects which cumulatively degrade landscape values.*

2. Inappropriate Subdivision, use and development can degrade natural character values of the Coastal Environment, wetlands, lakes and rivers and their margins by:

- a) Altering the natural functioning of coastal, wetland, lake and river ecosystems, their riparian areas and their water quality; and*
- b) Introducing human elements that modify, degrade and alter the appearance of naturally functioning ecosystems, especially rare or vulnerable ecosystems such as e.g. coastal wetlands and dunes; and*
- c) Damaging or removing areas of indigenous vegetation; and*

2. Retain without modification Objective 1 as follows:

Outstanding Landscapes remain outstanding and their values and characteristics are protected from inappropriate subdivision, use and development and resulting adverse cumulative effects.

3. Amend Policy 1c as follows:

Network utilities that cannot practicably be located outside of an Outstanding Landscape shall be located away from ridgelines and prominent landforms. Where they must necessarily cross a ridgeline, the adverse visual effects shall be remedied or mitigated as far as practicable, ~~such as by tunnelling underneath, camouflage or vegetative screens.~~

4. Retain without modification Policy 1e as follows:

Policy 1e

Use and development that has temporary effects on an Outstanding Landscape should be considered where the Outstanding Landscape values are able to be restored once the use or development is complete or finished.



5. Retain without modification Objective 2 and 2b as follows:

Objective 2

The qualities and characteristics of Amenity Landscapes are maintained or enhanced and continue to contribute to the pleasantness, aesthetic coherence and cultural and recreational values of the landscape

Policy 2b

Significant adverse effects on Amenity Landscapes within the Coastal Environment shall be avoided. Other adverse effects shall be avoided, remedied or mitigated.

6. Include the following new policy in Part 2, Section 9 to recognise the location of existing network utilities in outstanding landscape areas and ensure that their operation, maintenance and upgrading is provided for:

Recognise existing network utilities within outstanding landscape overlay areas and amenity landscapes and provide for their ongoing operation, maintenance and upgrading requirements.

7. Include the following policies after Objectives 2:

Recognise existing network utilities within amenity landscape overlay areas and provide for their ongoing operation, maintenance and upgrading requirements.

8. Include the following policies after Objective 3:

Recognise existing network utilities within natural character overlay areas provide for their ongoing operation, maintenance and upgrading requirements.

9. Explicitly permit earthworks associated with utility installation, maintenance, upgrading and/or removal in the Outstanding Landscape overlay areas in Section 32.3. This can be achieved by adding a new rule in Rule 2 as follows:

Earthworks for electricity line installation, maintenance, upgrading and/or removal are a permitted activity in the Outstanding Landscape overlay areas provided the volume of earthworks does not exceed 5m³ per support structure.

10. Amend Rule 3.1 in Section 32.3 to provide for identification and warning signs associated with network utilities as a permitted activity. This can be achieved as follows:

RULE 3 *Sign*



1. A sign is a permitted activity provided:
 - a) It is erected by a government organisation, network utility operator or a local authority; or
 - b) It is on a site for no more than 7 consecutive days; or
 - c) It is required by a statute or regulation.

11. Provide for new electricity lines and cables and electricity facilities as a (at worst) a discretionary activity in an Outstanding Landscape overlay area. This can be achieved by amending Rules 6 and 7 as follows:

RULE 6 Amateur radio configuration

Wind turbine

Above-ground electricity or telecommunication line

Electricity or telecommunication facility

Underground electricity or telecommunication line

1. An activity listed in Rule 6 is a discretionary activity.

~~RULE 7 Above-ground electricity or telecommunication line~~

Afforestation

All subdivision activities

~~Electricity or telecommunication facility~~

Telecommunication mast, tower, dish and associated antenna and equipment

Two or more dwellings per lot

Underground mining

1. An activity listed in Rule 7 is a non-complying activity.

12. Provide for the operation, maintenance and minor upgrading of an existing electricity line as a permitted activity in the Outstanding Landscape overlay area. This can be achieved by including a new rule as follows:

Rule X

Operation, maintenance and minor upgrading of an existing electricity line.

1. *Any activity in Rule X is a permitted activity.*

13. Provide for identification and warning signs associated with network utilities as a permitted activity in the Amenity Landscape overlay areas (Section 32.5). This can be achieved by adding a standard in Rule 9 of Section 32.5 as follows:

x. Identification and Warning Signs associated with Network utilities are permitted activities.



14. Provide for new electricity lines and cables and electricity facilities as a (at worst) a discretionary activity in an Amenity Landscape overlay area. This can be achieved by amending Rule 13 in Section 32.5 as follows:

RULE 13 Quarrying
Surface mining
Underground mining
Above-ground electricity or telecommunication line
Electricity or telecommunication facility
Underground electricity or telecommunication line

1. An activity listed in Rule 13 is a discretionary activity.

15. Provide for the operation, maintenance and minor upgrading of an existing electricity line as a permitted activity in the Amenity Landscape overlay area. This can be achieved by including a new rule as follows:

Rule X
Operation, maintenance and minor upgrading of an existing electricity line.
1. Any activity in Rule X is a permitted activity.

16. Explicitly permit earthworks associated with utility installation, maintenance, upgrading and/or removal in the Natural Character overlay areas in Section 32.7. This can be achieved by adding a new rule in Rule 15 as follows:

Earthworks for utility installation, maintenance, upgrading and/or removal are a permitted activity in the Natural Character overlay areas

17. Provide for new electricity lines and cables and electricity facilities as a (at worst) a discretionary activity in a Natural Character overlay area. This can be achieved by including a new rule as follows:

RULE X
Above-ground electricity or telecommunication line
Underground electricity or telecommunication line
Electricity or telecommunication facility

1. An activity listed in Rule X is a discretionary activity.

18. Provide for the operation, maintenance and minor upgrading of an existing electricity line as a permitted activity in the Natural Character overlay area. This can be achieved by including a new rule as follows:



Rule X

Operation, maintenance and minor upgrading of an existing electricity line.

1. Any activity in Rule X is a permitted activity.

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



SCHEDULE SIX: SIGNIFICANT TREES (PART 2 SECTION 11 OBJECTIVES AND POLICIES and PART 6 SECTION 35 OVERLAY RULES)

A. The specific part of the District Plan that is subject of this submission is:

Section 11 – Objectives and Policies

- Policy 1 d – Supported

Section 35 - Rules

- Rule 2.1 and 2.2 – Supported subject to changes

B. Reason for Submission:

1. As discussed previously with respect to Section 6 – Biodiversity, Powerco seeks to ensure that the provisions of the District Plan do not impose unnecessary constraints on vegetation trimming and clearance associated with the protection of public safety, the vegetation itself and Powerco’s electricity assets.
2. Powerco supports Policy 1d which provides for the removal and felling of a significant tree where there are health and safety reasons for its removal. Powerco also supports Rules 2.1 and 3.1(c) which provides for the trimming and removal of a significant tree where it is required to safeguard life or property and to maintain or restore electricity. However Powerco requests that these rules are amended to allow Powerco or their approved contractors to undertake the tree trimming or removal to ensure that such works are undertaken in accordance with approved tree trimming procedures around electricity lines.

C. Relief Sought:

1. Retain without modification Policy 1d as follows:

Policy 1d

The removal or felling of a significant tree shall be avoided, unless there are health and safety reasons for its removal.

2. Amend Rules 2.1 and 2.2 as follows:



1. *The maintenance or enhancement of a significant tree which may include pruning, trimming, dead wooding, crown reduction, cutting, thinning or topping is a permitted activity provided:*
 - a) *Prior to any work being undertaken a Council approved contractor or recognised network utility provider provides written notice to the Council confirming that the work is necessary to:*
 - i) *Maintain or enhance the health and/or appearance of the tree; or*
 - ii) *Safeguard life or property; or*
 - iii) *Maintain or restore electricity, telecommunications, wastewater or water networks; and*
 - ~~b)~~ b) *The Council-approved contractor or recognised network utility provider carries out the work-*
2. *Maintenance or enhancement of a significant tree that is not permitted under Rule 2.1 is a restricted discretionary activity.*

3. Amend Rule 3.1(c) – Felling or damaging a significant tree as follows:

RULE 3 Felling or damaging a significant tree

1. Felling or damaging a significant tree is a permitted activity provided:

.....

- c) *The work is carried out by a Council-approved contractor or recognised network utility provider; and*
 - i) *The work is necessary to maintain or restore electricity, telecommunications, wastewater or water supply networks operated by a statutory authority, network utility operator, the Council, the Department of Conservation, Waikato Regional Council or Civil Defence; and*
 - ii) *Within seven days of the work commencing the Council approved contractor provides written notice to the Council confirming the reason for the work.*

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



**SCHEDULE SEVEN: CONTAMINATED LAND AND HAZARDOUS SUBSTANCES PART 7 SECTION 36
RULES**

A. The specific part of the District Plan that is subject of this submission is:

Section 36 – Rules

- Section 36.1 - Supported
- Rule 5 – Supported

B. Reason for Submission:

Section 36.1

1. Powerco supports the cross reference to the NES for Contaminants in Soil in Section 36.1 Background as follows:

The rules relevant to contaminated land are now managed through the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Rule 5

2. Rule 5 provides for hazardous facilities as a permitted activity provided that the aggregate quantity of the hazardous substance is within the range specified in Table 3. In terms of Powerco's operations, many of Powerco's zone transformers contain around 1500 litres of regenerated transformer oil which is located in HSNO subclass 6.1. On that basis, Powerco transformers would comply with Rule 5. Powerco supports Rule 5 and the permitted quantities for HSNO subclass 6.1 in Table 3.

C. Relief Sought:

1. **Retain without modification the cross reference to the Resource Management National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 in Section 36.1 as follows:**



The rules relevant to contaminated land are now managed through the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

2. Retain without modification Rule 5 – Hazardous Facility as follows:

RULE 5 Hazardous facility

1. *A hazardous facility, excluding Rule 6, is a permitted activity provided:*
 - a) *The aggregate quantity of the hazardous substance is within the range specified in Table 3 for a permitted activity; and*
 - b) *It meets the standards in Table 4 at the end of Section 36.*

3. Retain without modification Table 3 – Aggregate Quantity Table

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



SCHEDULE EIGHT: SETTLEMENT DEVELOPMENT AND GROWTH (PART 3 SECTION 15 OBJECTIVES AND POLICIES) AND SUBDIVISION (PART 3 SECTION 16 OBJECTIVES AND POLICIES and PART 7 SECTION 38 RULES)

A. The specific part of the District Plan that is subject of this submission is:

Section 15 – Settlement and Development

- Policies 1a, 1d, 1h, 2d, 5b, 9a(b) – Supported
- Policy 2e – Oppose, changes requested to recognise regionally significant infrastructure

Section 16 – Subdivision Objectives and Policies

- Paragraph 5 in Section 16.1 Background – Supported
- Issue 16.2.5 – support intent but amendments required to recognise that ad-hoc subdivision can place an increase in demand on electricity infrastructure.
- Objective 2 – Supported.
- New Policy requested to avoid reverse sensitivity effects on existing network utilities.
- Objective 9 and Policy 9g – supported.
- Policy 9d – supported subject to a minor change.

Section 38 – Rules

- Standard 2(a) in Table 3 - supported subject to a minor change.
- Controlled Activity Matter 2 in Table 4 – supported.
- Restricted Discretionary Matters 3(c)-(f) in Table 5 – supported.
- Activity Table in Section 38.2 – opposed, changes requested to ensure that subdivision to accommodate new and existing network utilities is a controlled activity.
- New advice notes requested in Section 2 – Electricity and Telecommunications in Table 2 (Section 38, Rule 38.7) to alert plan users to the mandatory requirements of the NZECP 34:2001 and the Tree Regulations.
- Information requirements in Section 4.2 – Supported.
- Information requirements in Section 4.4 – Supported.
- New information requirement in Section 4.4 requested.



B. Reason for Submission:***Security of Supply***

1. Current intensification, urbanisation and population growth are continually placing demand on energy resources, in particular electricity. While considerable investment is proposed over the next decade to help address capacity issues, demand on infrastructure will intensify as a result of the region and district's growth and some parts of the network maybe under greater constraint than others. It is therefore important to clearly provide for the requirement that subdivision and development applications demonstrate that an adequate supply of energy can be obtained and maintained.
2. Subdivisions and/or developments with inadequate security of supply have the potential to generate significant resource management issues. In some situations significant infrastructure upgrades may be required to provide the additional supply. It is critical to ensure that proposed development does not lead to security of supply issues or potential adverse effects of meeting existing or additional supply. The requirements for any upgrading of infrastructure should be addressed in resource consent applications, as should the provision of any necessary associated infrastructure. This is of particular concern for the Whangamata area which is near capacity in terms of electricity supply during peak demand periods and Powerco is currently investigating a new line route to remedy the situation. However, it may be some time before the line is constructed and therefore it is important that the ability to supply a new subdivision with electricity is accessed before the development proceeds to ensure that appropriate provision of electricity can be made.
3. On that basis, Powerco supports Objectives Policies 1a, 1d, 1h, 2d, 5b, 9a(b) in Section 15 and seeks that they are retained without modification.
4. Powerco supports the introductory paragraph in Section 16.1.
5. Powerco supports the recognition in Part 3, Section 16 (Subdivision) that newly created sites must be adequately serviced, and consideration of servicing requirements and if any upgrades are required must be had at the design stage. On this basis Powerco supports Objective 9, Policy 9d, Policy 9g, Standard 2(a) in Table 3, Controlled Activity Matter 2 in Table 4 and Restricted Discretionary Matters 3(c)-(f) in Table 5. An information requirement should be included in Part 1, Section 4 which requires developers/land owners to demonstrate that electricity can be supplied to each new allotment and to provide written confirmation of this from the electricity service provider to ensure that an appropriate provision of electricity can be made by the electricity provider.



6. Powerco requests that Issue 16.2.5 is amended to recognise that ad-hoc subdivision may result in increasing pressure on existing network utilities, as well as retaining the current recognition of imposing greater infrastructure costs.

Reserve Sensitivity Issues

7. The current provisions in the subdivision section of the District Plan are not adequate to protect existing electricity distribution and sub-transmission lines (which not all are designated) from inappropriate subdivision. Powerco supports the intent of the Policy Framework in the Network Utilities Chapter (Part 3, Section 19 - Objective 2 and 2b). However Powerco requests that these are also included in Section 16, to ensure that such policies are considered in assessing subdivision applications. An advice note should also be included to alert plan users of the requirement to comply with NZECP 34:2001. It is noted that NZECP 34:2001 is already incorporated into the District Plan by way of reference and therefore it is appropriate to include appropriate reference in the subdivision section.
8. It is important such issues are considered at the subdivision stage as subdivision represents the most appropriate opportunity to ensure adequate and safe separation distances are provided for, allowing consideration to be given at the design stage. It will ensure that:
- Issues are resolved at the early design stages of development proposals, without placing significant constraints and costs on the layout of future development;
 - New lots can accommodate new dwellings/buildings that meet the necessary separation distances from distribution lines and supports structures (e.g. NZECP34: 2001). If issues were not resolved at the design stage, this could result in the creation of lots which are unable to be built on due to constraints relating to the mandatory minimum safe separation distances;
 - Future and subsequent owner/s of the newly created lots are aware of Powerco's safe separation setbacks relating to future buildings/structures and vegetation, thus maintaining public health and safety.
9. Powerco supports Objective 2 which requires subdivision to recognise the location of existing activities and ensure that it does not result in reserve sensitivity effects. However, the corresponding policies relate only to mineral resources and quarries. A specific policy should be included that applies to network utilities. An example of such a policy is:

Subdivision, use and development shall be designed and located to avoid incompatible activities and vegetation close to network utilities where that may compromise the ability of the network utilities to be operated, maintained and upgraded safely and effectively.

10. Policy 2e reads as follows:



Policy 2e

Land uses should not be located where they cause or worsen undue reverse sensitivity effects, particularly adjacent to Industrial Areas significant mineral resources and their access routes identified in an RMA plan and energy transmission corridors.

11. This Policy should be amended to refer to “regionally significant infrastructure”. Regionally significant infrastructure is defined in the Proposed RPS which includes Powerco’s assets. In accordance with Policy 6.6 of the RPS the built environment should be managed to ensure the effectiveness and efficiency of existing regionally significant infrastructure is protected, including through the management of reverse sensitivity effects.

Subdivision for network utility allotments

12. Rule 4 in Section 16 provides for the subdivision to accommodate existing network utilities as a permitted activity.
13. Powerco requests that this rule be amended to remove all reference to “existing” so that the rule can also be applied to new network utilities that may be installed as part of a new subdivision development.
14. Rule 4 also requires the allotment created to comply with the underlying zone standards for yards and height in relation to boundary and the subdivision standards in Table 3 which relate to access, servicing and yard requirements. Network utility lots should not be subject to the standards in Table 3 at the end of Section 40 as restricting the size of utility allotments is unnecessary, as the allotments created to contain network utilities are generally small in scale (compared to an allotment designed to accommodate a residential dwelling) and are designed to accommodate the network utility only. In relation to Powerco’s assets, this includes transformers, small substations and ancillary equipment necessary for the supply of electricity to the new subdivision. Such allotments generally do not require car parking and can be designed and located to avoid any adverse effects on the amenity of the area. In most cases, the actual network utility to be constructed on the allotment would generally be either a permitted or restricted discretionary activity in accordance with the network utility provisions of the District Plan therefore, the only matter that requires consideration by the Council is to ensure that the allotment is of sufficient size and configuration to accommodate the intended activity.
15. In light of the above, Rule 4 should be amended to read:

RULE 4 Subdivision to accommodate ~~an existing~~ network utility

1. Subdivision to create a lot around ~~an existing~~ network utility is a controlled activity provided:

a) The applicant is the requiring authority for the network utility; and



- ~~-b) The lot to be created meets the underlying zone standards for yards and height in relation to boundary; and~~
 - ~~-c) The balance lot meets all the underlying zone standards; and~~
 - ~~-d) It meets the subdivision standards in Table 3.~~
-

C. Relief Sought:

Section 15 – Settlement and Development

1. Retain without modification Policies 1a, 1d, 1h, 2d, 5b, 9a(b)

Policy 1a

Settlement development and growth should make use of opportunities for consolidation and redevelopment of existing settlements.

Policy 1d

Low density development should only occur in areas with infrastructure and/or other development constraints, where appropriate.

Policy 1h

Settlement development and growth should maintain the efficiency and safety of the District's key infrastructure including the transportation network (roads, wharves, marinas and airfields), water, wastewater and stormwater.

Policy 2d

Settlement development and growth should not limit access to and operation of existing activities and other lawfully established activities (such as quarries).

Policy 5b

Settlement development and growth should integrate and connect with other areas of employment, residences, open space, community focus points, existing infrastructure and the surrounding road network including pedestrian, bicycle and mobility scooter traffic.

Policy 9a



Rezoning and/or subdivision and consent conditions for settlement development and growth across multiple land parcels should be supported by information (e.g. a structure plan) which identifies, as appropriate to the scale and potential effects of development, the following:

.....

b) the location, type, scale, funding and staging of infrastructure required to service the area;

.....

2. Make the following changes to Policy 2e to recognise Regionally Significant Infrastructure:

Policy 2e

Land uses should not be located where they cause or worsen undue reverse sensitivity effects, particularly adjacent to Industrial Areas, regionally significant infrastructure and significant mineral resources and their access routes identified in an RMA plan and energy transmission corridors.

Section 16 - Subdivision

3. Retain without modification paragraph 5 in Section 16.1 - Background as follows:

Since notification of the previous District Plan (1997) development in the District has led to increased demand on existing and new utilities. As a result the Council has invested significant resources into new infrastructure to accommodate this growth.

4. Amend Part 3, Section 16, Issue 16.2.5 to recognise that ad-hoc subdivision can place an increase in demand on electricity infrastructure. This can be achieved as follows:

Ad-hoc subdivision that does not make use of and connect with existing and planned infrastructure can:

- *Reduce pedestrian safety;*
- *Create barriers to convenient vehicle and pedestrian travel;*
- *Impose greater infrastructure costs;*
- *Offer fewer land choices;*
- *Reduce or remove walking or cycling as viable transport options;*
- *Provide low levels of on-site privacy and amenity;*
- *Compromise security of supply, including by placing increasing pressure on existing utility services.*

5. Retain without modification Objective 2 as follows:

Subdivision recognises the location of existing activities and does not result in reverse sensitivity effects.



6. Include the following new policy after Objective 2 in Section 16.3:

Subdivision, use and development shall be designed and located to avoid incompatible activities and vegetation close to network utilities where that may compromise the ability of the network utilities to be operated, maintained and upgraded safely and effectively.

7. Retain without modification Objective 9 and Policy 9g as follows:

Objective 9

Utility and infrastructure services are provided to meet current and future subdivision demand.

Policy 9g

Subdivision may use staging as a means to overcome lack of existing infrastructure

8. Amend Policy 9d as follows:

Policy 9d

Subdivision should demonstrate that it can be serviced by electricity and telecommunications suppliers. Where one or more of these services are not available or feasible, information shall be provided to demonstrate what alternative means of sustainable supply will be available to the lots

9. Amend Standard 2(a) in Table 3 as follows:

a) Every lot and/or building within a Commercial, Industrial or Residential Area must be connected to underground electricity and a telecommunications service, unless overhead infrastructure ~~existing~~exists in that locality.

10. Retain without modification Controlled Activity Matter 2 in Table 4 as follows:

Provision of suitable access requirements and the provision of telecommunication, power, sewage, and stormwater to each lot. The Council may require a report on these matters (including any restrictions on development) from a chartered professional engineer.

11. Retain without modification Restricted Discretionary Matters 3(c)-(f) in Table 5.

c) Whether all lots can be serviced by electricity and a telecommunications service (reticulated or provided remotely).



d) Whether any network utility required as part of the subdivision proposal (e.g. transformer, pump station) can be contained within the subdivision and their location is appropriate.

e) Whether improvements to existing infrastructure, including extensions and upgrades, are required to service the subdivision and how the cost of these works will be met.

f) Whether easements are required.

- 12. Ensure that subdivision to accommodate new and existing network utilities is a controlled activity, this can be achieved by amended Activity Table in Section 38.2 to remove reference to “existing” as follows:**

RULE 4 Subdivision to accommodate an ~~existing~~ network utility

1. Subdivision to create a lot around an ~~existing~~ network utility is a controlled activity provided:

a) The applicant is the requiring authority for the network utility; and

~~b) The lot to be created meets the underlying zone standards for yards and height in relation to boundary; and~~

~~c) The balance lot meets all the underlying zone standards; and~~

~~d) It meets the subdivision standards in Table 3.~~

2. The Council reserves its control over matters 3, and 7-12 in Table 4 at the end of Section 38.

3. Subdivision to create a lot around an ~~existing~~ network utility that is not a controlled activity under Rule 4.1 is discretionary activity.

- 13. Include the following advice notes in Section 2 – Electricity and Telecommunications in Table 2 (Section 38, Rule 38.7) to alert plan users to the mandatory requirements of the NZECP 34:2001 and the Tree Regulations:**

Note:

Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines.

Vegetation to be planted near electric lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.

- 14. Retain without modification the following information requirements in Section 4.2 – General Requirements:**



14. A site plan(s) of 1:100 to 1:500 scale that includes the following to the extent they apply to the activity:

....

p) Existing and proposed services (stormwater, wastewater, water, telecommunication, power) and any relevant drainage information;

15. Retain without modification the following information requirements in Section 4.4 – Subdivision Application Requirements:

1. One site plan at a scale of 1:500 and the more detailed aspects of the plan shown on separate larger scale drawings if needed to show all the information required on the plan in a clear and legible way that includes:

.....

i) Location of existing easements and proposed easements (including rights-of-way);

...

4. Any additional information needed for the assessment of matters listed in Section 38.7 Subdivision Assessment Standards, Matters and Criteria. The following may be useful to address these matters, if applicable:

.....

i) Water, telecommunications, electricity and wastewater infrastructure type, scale and location;

16. Include the following information requirements in Section 4.4 – Information Requirements for Subdivision consent applications:

Written confirmation from the electricity provider that electricity services can be made available to the subdivided lots from existing services or that an agreement has been reached for the provision of necessary services.

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





SCHEDULE NINE: REVERSE SENSITIVITY EFFECTS (SECTIONS 20-24 AND SECTIONS 40-59 ZONE RULES)

A. The specific part of the District Plan that is subject of this submission is:

Sections 20-24

- Objective 3 in Section 24 – Supported.
- New objectives and Policies requested in Sections 20-23 to manage reverse sensitivity effects in relation to existing network utilities.

Sections 40-59

- New advice note requested in each zone section to ensure that the New Zealand Code of Practice for Electrical Safe Distances 34:2001 (NZECP 34:2001) is complied with.

B. Reason for Submission:

1. The Zone Rules do not contain any provisions that seek to manage development and activities within the vicinity of existing overhead electricity distribution and sub-transmission lines to ensure that the New Zealand Code of Practice for Electrical Safe Distances 34:2001 (NZECP 34:2001) is complied with. It is noted that Powerco has one transmission line traversing the Thames-Coromandel District that is partially designated. Another transmission line has been partially designated but has not been constructed. The parts of the transmission lines that are designated will be protected from inappropriate subdivision, use and development by the designation (which Powerco has rolled over subject to minor amendments).
2. As a matter of principle, Powerco supports Transpower's Corridor Management Approach with respect to Transpower's high voltage transmission lines which are not designated in the District Plan. However, Powerco accepts that local electricity distribution networks are unlikely to have national benefits, and for that reason it accepts that it is not necessary to apply the suite of rules requested by Transpower to Powerco's sub-transmission and distribution assets, which are generally lower in voltage and smaller in scale. However, a level of protection needs to be applied to Powerco's sub-transmission lines in the Thames District as these lines are strategic lines and critical to ensure a reliable supply of electricity for the upper part of the peninsula.
3. Despite that, there are clear regional benefits from efficient and secure electricity supply at a local level and the role of electricity distribution networks in providing security of supply should not be underestimated. Because distribution lines embrace a considerably greater



length of line³, if damaged, they will generally have a particularly significant impact on the reliability of electricity supply within any given district and/or region. Damaged distribution lines will usually affect supply to a considerable number of consumers - some of which may be of vital importance to the local economy. Back-up supply routes may not always be available, especially in rural areas. It is therefore important that distribution lines be protected from damage to the extent possible, thus ensuring efficient and secure electricity supply within the district.

4. Powerco requests that an advice note is included in the permitted activity standards for all zones in the District Plan alerting plan users of the requirement to comply with NZECP 34:2001. While there are already such advice notes in Section 29 relating to high voltage transmission lines, plan users are unlikely to be directed to these advice notes if there are no transmission line overlays traversing the subject site.
5. NZECP 34:2001 sets out the minimum safe separation distances to control the interface between overhead electric lines and the wider public environment, to ensure public safety, and to preserve the reliability of the electrical supply system for all consumers. NZECP 34:2001 contains minimum safe distances from towers, poles and conductors for some activities, in particular buildings/structures and earthworks. It also provides safe distances for the operation of mobile plant and machinery under and near conductors.
6. NZECP 34:2001 is an industry standard, developed (externally and independently), as a regulation under the Electricity Act 1992, compliance with the NZECP 34:2001 is mandatory and this is not widely recognised.
7. It is important that landowners and developers are made aware of the NZECP 34:2001 and the need to comply with it when undertaking any works within the vicinity with an electricity line. This is because compliance with NZECP 34:2001 cannot be enforced until the building or structure has been constructed. This can result in unnecessary costs for the developer or landowner and can affect the ongoing operation, maintenance and upgrading of the electricity lines. Reference in the District Plan will help to ensure landowners and developers are aware of the need to comply with NZECP 34:2001 and to promote the resolution of compliance issues at the design stage, prior to the works commencing.
8. Powerco has also experienced situations where trees have been planted directly under or in close proximity to overhead lines. As explained earlier, this is potentially dangerous as vegetation planted in close proximity to Powerco's lines may come into contact with a power line, which can create a significant public safety hazard and result in a flashover⁴, an interruption of electrical service or an outage. In addition, power lines that are downed or broken by trees, as a result of carrying out activities in close proximity to the lines, can be live.

³ There is approximately 9-10 km of distribution line to every 1km of transmission line throughout the country. This, and the places where distribution lines are located, obviously affects the number of interruptions that can be expected as a result of third party interference.

⁴ A flashover is the term used to describe a momentary, but major electric arc usually across an insulator string.



This is a significant risk as live lines can cause fires and be fatal. Such hazards may cause an outage of electricity supply to communities, people and industry and result in safety risks to the public.

9. It is important that the District Plan alerts the public to the requirement to comply with the Tree Regulations and an advice note should be included in the zone chapters as outlined in the relief below.
10. Furthermore, Powerco generally supports the intent of the Policy Framework in the Network Utilities Chapter 19 (objective 2 and policies 2a and 2b), and insofar as they provide protection of network utilities from the adverse effects of other land use activities.
11. Powerco supports Objective 3 in Section 24.3 Which reads as follows:

Objective 3

The viability of existing lawfully established activities in the Rural Zone is not compromised by new sensitive land use activities that would create reverse sensitivity conflicts

12. However the associated policies apply to rural activities and an appropriate policy should be included to avoid reverse sensitivity effects on existing network utilities. It is important that to ensure that such policies are considered when determining areas of development and growth as generally only utility operators will refer to the utilities chapter of the plan, other users will assume that they are not relevant, except in certain circumstances.
13. In Objectives and Policies relating to reverse sensitivity in Section 23.3 – Residential relate specifically to reverse sensitivity effects generated by other commercial activities only and therefore the following objectives and policies should be included in Section 23.3:

Objective X

The safe, secure and efficient use, operation and development of network utilities is protected from the adverse effects of other land use activities.

Policy X

Subdivision, use and development shall be designed and located to avoid incompatible activities and vegetation close to network utilities where that may compromise the ability of the network utilities to be operated, maintained and upgraded safely and effectively.

14. There are no adequate objectives and policies for reverse sensitivity in Sections 20-22 and therefore the above policies should also be included in these sections.



C. Relief Sought:

Manage development and activities within the vicinity of existing overhead electricity distribution and sub-transmission lines to ensure that the New Zealand Code of Practice for Electrical Safe Distances 34:2001 (NZECP 34:2001) is complied with. This can be achieved as follows:

1. Retain without modification Objective 3 in Section 24.3 as follows:

Objective 3

The viability of existing lawfully established activities in the Rural Zone is not compromised by new sensitive land use activities that would create reverse sensitivity conflicts

2. Include the following Objective and Policy in Part 4, Sections 20-23 - Area Specific Issues, Objectives and Policies:

Objective X

The safe, secure and efficient use, operation and development of network utilities is protected from the adverse effects of other land use activities.

Policy X

Subdivision, use and development shall be designed and located to avoid incompatible activities and vegetation close to network utilities where that may compromise the ability of the network utilities to be operated, maintained and upgraded safely and effectively.

3. Include the following advice notes in each zone section (40-59) in Part 8, Zone Rules:

Advice Notes

Works in close proximity to any electricity line can be dangerous. Compliance with the New Zealand Electrical Code of Practice 34:2001 is mandatory for all buildings, earthworks and mobile plant within close proximity to all electric lines.

Vegetation to be planted within near electric lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator.



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

SCHEDULE TEN: EARTHWORKS

A. The specific part of the District Plan that is subject of this submission is:

- The following rules and advice notes are supported:
 - Section 40 – Rule 5
 - Section 41 – Rule 5
 - Section 42 – Rule 6
 - Section 43 – Rule 6
 - Section 44 – Rule 4
 - Section 45 – Rule 5
 - Section 46 – Rule 4
 - Section 47 – Rule 4
 - Section 48 – Rule 4
 - Section 49 – Rule 6
 - Section 50 – Rule 4
 - Section 51 – Rule 8
 - Section 52 – Rule 6
 - Section 53 – Rule 6
 - Section 54 – Rule 4
 - Section 56 – Rule 6
 - Section 57 – Rule 6
 - Section 58 – Rule 7
 - Section 59 – Rule 7

- The following rules are opposed and should be amended to provide for earthworks associated with the installation and maintenance and minor upgrading of existing utilities as a permitted activity and ensure that the standards are not applicable to such activities:
 - Section 43 – Rule 6
 - Section 55 – Rule 3



B. Reason for Submission:

1. Powerco seeks to ensure that the earthworks provisions in the District Plan do not restrict its ability to carry out earthworks associated with maintenance and minor upgrading of its assets. Earthworks are generally required for replacement of support structure foundations. Replacement may involve, amongst other things, the construction of new footings, using direct drilling or, in difficult places, hand held methods. Earthworks are also required for the installation of new electricity cables and to expose certain areas of such cables when maintenance and/or upgrading is required.
2. Powerco also requests that earthworks for the construction of a new electricity infrastructure (including lines, transformers and switch units), the installation of a new cable and any maintenance and minor upgrading works be exempt from compliance with the standards relating to area per site per calendar year, maximum height or cut of fill and maximum duration of work within any calendar year. This is because earthworks associated with network utilities are undertaken separately from all other earthworks on a site and therefore it is not appropriate to link them with all earthworks that have occurred on the site over the calendar year. Further, the scale of earthworks associated with erecting a pole is generally minor and the activity does not merit a resource consent trigger.
3. Powerco supports the following earthworks rules which provide for earthworks associated with the installation and maintenance and minor upgrading of existing utilities as a permitted activity in those zones and such earthworks are not subject to any performance standards due to the way the rule cascade works:
 - Section 40 – Rule 5
 - Section 41 – Rule 5
 - Section 42 – Rule 6
 - Section 44 – Rule 4
 - Section 45 – Rule 5
 - Section 46 – Rule 4
 - Section 47 – Rule 4
 - Section 48 – Rule 4
 - Section 49 – Rule 6
 - Section 50 – Rule 4
 - Section 51 – Rule 8
 - Section 52 – Rule 6
 - Section 53 – Rule 6
 - Section 54 – Rule 4
 - Section 56 – Rule 6
 - Section 57 – Rule 6
 - Section 58 – Rule 7
 - Section 59 – Rule 7



4. There is no provision for earthworks associated with the installation and maintenance and minor upgrading of existing utilities in the Conservation and Road Zones and therefore such earthworks would be required to comply with the earthwork stands in relation to setbacks, height or cut and fill etc. This is of particular concern for Powerco as many of its electricity assets are located within the road zone, therefore any earthworks undertaken by Powerco should be required to comply with the standards relating to earthworks in Table 1 and may require a resource consent. This can result in significant delays in the maintenance and upgrading works undertaken by Powerco and may jeopardise the reliable and secure supply of electricity.
5. It is noted that earthworks (and any other works) undertaken by network utility operators in the road zone are already controlled by The National Code of Practice for Utility Operators' Access to Transport Corridors (the Code). The Code applies to the activities of all transport corridor managers and utility operators throughout New Zealand. The Code sets out procedures for obtaining consent from the road operator for works within the road corridor. Therefore it is unnecessary for the Council to have another layer of control on network utilities within the road reserve through the resource consent process.
6. Therefore Powerco seeks that Rule 6 in Section 43 and Rule 3 in Section 55 are amended to explicitly provide for earthworks associated with the installation and maintenance and minor upgrading of existing utilities in the Conservation and Road Zones as a permitted activity.
7. Powerco supports the advice note after the earthwork rules in all zones which reads:

Earthworks in close proximity to any electricity distribution line can be dangerous. The New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) applies to all earthworks and the operation of mobile machinery within close proximity to all electric lines.
8. It is important that any earthworks carried out in the vicinity of Powerco's lines comply with the mandatory requirements of NZECP 34:2001. This is particularly important as earthworks in close proximity to an electricity line may can result in the raising or lowering of ground levels and/or may directly or indirectly undermine or affect the structural and system integrity and stability of existing support structures. The destabilisation and/or undermining of support structures can create safety hazards by reducing conductor to ground safe clearance distances. The loss of a pole or line through destabilisation and undermining excavation activities may result in a power outage or require load shedding i.e. blackouts to certain areas.
9. Earthworks can also result in the emission of dust, which can result in the build-up of material on the transmission lines and their equipment. This can adversely impact on the operation of the network by increasing the risk of circuit trippings or flashovers. Particulate matter can also



corrode the existing transmission equipment, which can shorten its economic life resulting in costly and unplanned replacement.

C. Relief Sought:

Provide for earthworks associated with the installation and maintenance and minor upgrading of existing utilities as a permitted activity in all zones and ensure that the standards are not applicable to such activities. This can be achieved as follows:

1. Retain without modification the following Rules:

- Section 40 – Rule 5
- Section 41 – Rule 5
- Section 42 – Rule 6
- Section 44 – Rule 4
- Section 45 – Rule 5
- Section 46 – Rule 4
- Section 47 – Rule 4
- Section 48 – Rule 4
- Section 49 – Rule 6
- Section 50 – Rule 4
- Section 51 – Rule 8
- Section 52 – Rule 6
- Section 53 – Rule 6
- Section 54 – Rule 4
- Section 56 – Rule 6
- Section 57 – Rule 6
- Section 58 – Rule 7
- Section 59 – Rule 7

2. Amend Rule 6 in Section 43 – Conservation Zone to provide for earthworks associated with the installation and maintenance and minor upgrading of existing utilities as a permitted activity. This can be achieved as follows:



RULE 6 Earthworks

1. Earthworks are a permitted activity provided:

x) They are for utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator; or

a) Silt and sediment resulting from the earthworks remains within the Conservation Zone; and

b) The distance of any cut or fill from the Conservation Zone boundary is greater than the height of the cut/fill; and

c) It is set back from any buried Council-owned wastewater, stormwater or water pipe by a distance equal to the depth of the pipe plus the pipe radius (i.e. a 45° setback area either side of the pipe).

2. Earthworks that are not a permitted activity under Rule 6.1 are a restricted discretionary activity.

3. The Council restricts its discretion to matters 1, 3, 7, 9 and 11 in Table 5 at the end of Section 43.

3. Amend Rule 3 in Section 55 – Road Zone to provide for earthworks associated with the installation and maintenance and minor upgrading of existing utilities as a permitted activity. This can be achieved as follows:

Earthworks are a permitted activity, provided:

x) They are for utility installation, maintenance, upgrading and/or removal by the Council or a network utility operator; or

a) It meets the standards in Table 1; and

b) Silt and sediment resulting from the earthworks remains within the site; and

c) Any uncovered earth is stabilised within 3 months from when work started; and

d) Any surplus excavated material is reused on the site or is removed from the site within 3 months from when the material was first excavated; and

e) For fills/cuts to be assessed separately for the purpose of the Table 1 standards, a flat 'terrace' between fills/cuts must have a width perpendicular to the adjoining fill/cut that is more than twice the height of the adjoining fill/cut above the terrace. Otherwise, the earthworks are treated as one fill/cut.

4. Retain the following advice note after the earthworks rules in each zone to alert plan users to the requirement to comply with NZECP 34:2001.



Earthworks in close proximity to any electricity distribution line can be dangerous. The New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001) applies to all earthworks and the operation of mobile machinery within close proximity to all electric lines.

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



SCHEDULE ELEVEN: 12. NATURAL HAZARDS (OVERLAY RULES SECTION 34)
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A. The specific part of the District Plan that is subject of this submission is:

- Section 34.2.3 – Supported
- Rule 2 – Supported

B. Reason for Submission:

1. Powerco supports recognition in Section 34.2.3 that existing use rights under s10 of the RMA applies in relation to existing activities within a flood hazard overlay.
2. Powerco supports Rule 2.1 which provides for any other activity not included in Section 34.9 (Section 34.9 does not contain any rules relating to network utilities) that is a permitted, controlled or restricted discretionary activity in the underlying zone and district-wide rules retains its activity status provided:
 - a) *All habitable rooms meet the standards in Table 1; and*
 - b) *No fence or permanent building is in the High Flood Hazard Area; and*
 - c) *No structure is in a Floodway; and*
 - d) *No permanent building greater than 50 m² is in the area bounded by Kirikiri West Road, Ngati Maru Highway, Waipapa Stream and the Waihou River.*
3. Powerco supports Rule 2.2 which provides for any other activity that does not retain its activity status under Rule 2.1 is a restricted discretionary activity.

C. Relief Sought:**1. Retain without modification Section 34.2.3 as follows:**

For an existing activity in a flood hazard area, existing use rights under Section 10 of the RMA apply. This says (in summary) that the land use activity can continue if it was lawfully established, has not been discontinued for more than 12 months and the effects of the use are the same or similar in character, intensity, and scale. Building maintenance, site works on existing ground level and an activity that does not further impede flood flows or increase the susceptibility of the site or any other site to flooding, falls into this right.



2. Retain without modification Rule 2 as follows:

RULE 2 Any other activity

1. Any other activity not included in Section 34.9 that is a permitted, controlled or restricted discretionary activity in the underlying zone and district-wide rules retains its activity status provided:

a) All habitable rooms meet the standards in Table 1; and

b) No fence or permanent building is in the High Flood Hazard Area; and

c) No structure is in a Floodway; and

d) No permanent building greater than 50 m² is in the area bounded by Kirikiri West Road, Ngati Maru Highway, Waipapa Stream and the Waihou River.

2. Any other activity that does not retain its activity status under Rule 2.1 is a restricted discretionary activity.

3. The Council restricts its discretion to all the matters in Table 2.

3. Retain without modification the restricted discretionary activity matters in Table 2 and in particular Matter 5(a) which reads as follows:

Whether any proposed mitigation measures are effective to mitigate the risk to people and property arising from the flood hazard.

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



Annexure A
Powerco's Assets in the Thames Coromandel District

Ray Russek
1036A Thames Coast Road
RD 5
Thames 3575

THAMES-COROMANDEL
DISTRICT COUNCIL

14 MAR 2014

RECEIVED BY: TMI
2:46pm

Thames Coromandel District Council
515 Mackay St,
Thames 3500

Attention: District Plan Manager

14. March 2014

Dear Sir or Madam,

Submission to the T.C.D.C on the proposed district plan 2013

We object to the P.D.P. because of the creeping strangle hold the successive plans are subjecting ratepayers to and the cost of complying with the proposed rules.

Rules 1-4 I object strongly to the right to harvest firewood from my own property being altered. This has been part of our normal yearly activity for over 100 years and four generations. We harvest wood for the wider family as well, a total of approximately 40m³.

There is no evidence of any adverse effects from this. In fact, re-growth is very rapid on the Coromandel. Biodiversity has not been affected.

There are times, usually several times a year, that we are without electricity for up to 8 days at a time. We need a ready supply of wood for cooking and heating at times likes this.

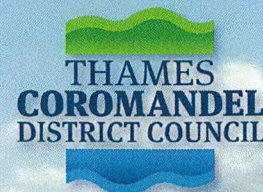
There are large areas of native bush on our property which are steadily being enlarged by manuka, kanuka re-growth . As well, we have planted 60.000 pines which will be harvested in 10 years time and replanted.

Private Property Rights: the right to build a dwelling on every title of land needs to be a permitted activity.

Yours sincerely,

Ray Russek	<i>Ray Russek</i>	STEPHEN	Russek	581 KACIARANGA VACEY THMS Thames Coast
<i>Ray Russek</i>	<i>Eileen Russek</i>			
<i>Ray Russek</i>	Neville Russek			
<i>Ray Russek</i>	Ray Russek			
			Kereta	
			Kerefa	
			Kereta	

Proposed Thames-Coromandel District Plan



Submission Form

Form 5 Clause 6 of the First Schedule to the Resource Management Act 1991

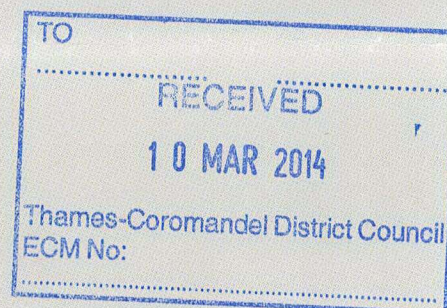
Your submission can be:

Online: www.tcdc.govt.nz/dpr
Using our online submissions form

Posted to: Thames-Coromandel District Council
Proposed Thames-Coromandel District Plan
Private Bag, Thames 3540
Attention: District Plan Manager

Email to: customer.services@tcdc.govt.nz

Delivered to: Thames-Coromandel District Council, 515 Mackay Street, Thames
Attention: District Plan Manager (or to the Area Offices in Coromandel, Whangamata or Whitianga)



Submitter Details

Full Name(s)	ROBERT EDWARD HARRIS	
or Organisation (if relevant)		
Email Address	rob-deb.harris@xta.co.nz	
Postal Address	9 ALBERT ST WHITIANGA 3510	
Phone no. include area code	(07) 866 0302	Mobile no. 0274 926 773

Submissions must be received no later than 5 pm Friday 14 March 2014

If you need more writing space, just attach additional pages to this form.

PRIVACY ACT 1993

Please note that submissions are public information. Information on this form including your name and submission will be accessible to the media and public as part of the decision making process. Council is required to make this information available under the Resource Management Act 1991. Your contact details will only be used for the purpose of the Proposed District Plan process. The information will be held by the Thames-Coromandel District Council. You have the right to access the information and request its correction.



Your Submission

The specific provisions of the Proposed District Plan that my submission relates to are:
(please specify the Objective, Policy, Rule, Map or other reference your submission relates to)

RULE 4 of SECTION 59 - WATERFRONT ZONE, of Part VIII
- ZONE RULES . , VISITOR ACCOMMODATION
AND VISITOR ACCOMMODATION RULES IN GENERAL

My submission is:

(clearly state whether you SUPPORT or OPPOSE specific parts of the Proposed District Plan or wish to have amendments made, giving reasons for your view)

I support oppose the above plan provision.

Reasons for my views:

SEE ATTACHED PAGES

The decision I seek from the Council is that the provision above be:

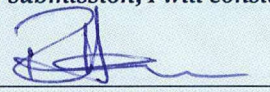
Retained Deleted Amended as follows:

SEE ATTACHED PAGES

Proposed District Plan Hearing

I wish to be heard in support of my submission. Y N

If others make a similar submission, I will consider presenting a joint case with them at a hearing. Y N

Signature of submitter  Date 04/03/14

Person making the submission, or authorised to sign on behalf of an organisation making the submission.

Trade Competition

Please note that if you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by Clause 6 of Schedule 1 of the Resource Management Act 1991.

I could gain an advantage in trade competition through this submission. Y N

If you could gain an advantage in trade competition through this submission please complete the following:

I am directly affected by an effect of the subject matter of the submission that –

- a) adversely affects the environment; and
- b) does not relate to trade competition or the effects of trade competition. Y N

If you require further information about the Proposed District Plan please visit the Council website www.tcdc.govt.nz/dpr

THAMES-COROMANDEL DISTRICT COUNCIL
Private Bag, 515 Mackay Street, Thames 3540
phone: 07 868 0200 | fax: 07 868 0234
customer.services@tcdc.govt.nz | www.tcdc.govt.nz



Submission on Proposed District Plan

Robert Edward Harris
9 Albert Street, Whitianga

04 March 2014

Provision of Proposed District Plan:

Rule 4 of Section 59 – Waterfront Zone, of Part VIII – Zone Rules

Stated Position:

I am **OPPOSED** to the inclusion of this rule in its current form.

Reasons for my OPPOSITION:

I believe that Traveller's Accommodation (now phrased Visitors Accommodation) should remain as a Permitted Activity as is currently the situation under the Operative District Plan.

The proposed rule change:

1. Will have an affect that is contrary to spirit of Clause 59.2 - Zone Purpose and the original concept and objective of the Waterfront Zone, by effectively limiting the diversity and capacity of accommodation offerings.
2. Removes a previously Permitted Activity from the Waterfront Zone.
3. Detrimentally affects existing lawfully established accommodation facilities.
4. Will add detrimentally to the already widely held perception that tourists and holiday makers are not welcome on The Peninsula.
5. Will detrimentally affect the availability of accommodation for large family or friend groups, whose accommodation options are already very limited.
6. Accordingly is likely to further discourage these visitors to visit and stay in Whitianga, and on The Peninsula in general.
7. Unfairly discriminates against owners of properties capable of accommodating larger numbers and will have the effect of reducing these options for visitors and increase the cost.
8. Should apply equally to all affected properties within each zone, regardless of capacity.
9. Is seen by many as a misguided attempt by the Motel Association to influence local politicians in order to stifle what they perceive as competition.
10. Reinforces the Motel Association perception that the renting out of holiday homes where the occupancy is more than "six tariff-paid visitors" is competition to motels and the like. This concept couldn't be more incorrect as the two markets are quite distinct.
11. Is misguided because **the logic applied is the reverse of the reality.**
12. **Will actually promote more competition** with motels by encouraging the renting of holiday homes and apartments to smaller parties who may well otherwise use a motel.

13. Takes no account of the fact that the **larger parties of visitors** who choose to **book whole houses** for their accommodation do so **because this form of accommodation suits their requirements**. These visitors are generally extended family groups, wedding parties, anglers or out of town Contractors' workers. They are the not off the street passers-by targeted by motels and apartments.
14. Disregards the fact that **these visitors do not want to use motels**. None of these types of visitor consider a motel as an acceptable accommodation option, as motels do not provide for their requirements. Cost is not necessarily a major factor. There are many reasons, such as comfort, space, privacy, boat parking, kids' activities, use of facilities, and security.
15. **Will restrict the visitors' accommodation choices**. These visitors will not book motel accommodation, end of story. They will therefore seek other destinations, i.e. not Whitianga or The Peninsula, where they feel they are welcomed and their requirements provided for. Why take your vacation in some place that cannot offer the accommodation that you want.
16. **Will inflate accommodation costs** leading to fewer visitors on the Peninsula, and per visitor less money available to spend on other local services.
17. **Will reduce the total accommodation capacity** of Whitianga and the district, which will compromise the success of larger events, such as the Scallop Festival, for which the already exists a shortage of local accommodation.

This is very poorly considered regulation, and will be to the detriment of the district's local economy. On top of the motor home debacle it is very disappointing to see our Council bending over like this.

The decision I seek from the Council:

Is that Rule 4 –Visitor Accommodation, of Section 59 – Waterfront Zone, of Part VIII – Zone Rules be amended such that sub clause b “There be no more than 6 tariff-paid visitors staying on-site at any one time” be deleted.

The limitation on visitor numbers is not appropriate in the Waterfront Zone whose stated objective is to cater for the needs of tourism.

Also, Council needs to consider the implication the Visitor Accommodation rules throughout the District's other zones may have on the wider tourism industry. In my view the more diversity that exists in the accommodation offerings the better. However it could be argued that this activity is less suited in Residential Zones. Any such arguments may be ideologically sound as compared to an attempt by an outdated industry trying to stifle competition.

Are Council Planners working on rule changes aimed at protecting retailers from the internet, or even independent retailers from huge chain stores? How is this example any different?