



30 June 2015

File ref: 33002-081

Rachael Pull  
Resource Management Planner  
Wanganui District Council  
P O box 637  
WANGANUI 4500

Dear Rachael

**SUBMISSION OF HERITAGE NEW ZEALAND POUHERE TAONGA  
PLAN CHANGE 43: DISTRICT WIDE PROVISIONS (EARTHWORKS)**

**TO:** Wanganui District Council

**FROM:** Heritage New Zealand Pouhere Taonga

1. This is a submission on the following proposed plan change to the following plan (the proposal):

Wanganui District Plan – Proposed Plan Change 43: District Wide Provisions

2. Heritage New Zealand could not gain an advantage in trade competition through this submission.
3. The specific provisions of the proposal that Heritage New Zealand's submission relates to are:

Note 2 under the Earthworks Rules (14.4) in relation to the archaeological authority provisions of the Heritage New Zealand Pouhere Taonga Act 2014 (p.103 of the marked up text).

4. Heritage New Zealand's submission is:

Heritage New Zealand supports in part the proposed note but with the following amendment (~~strikethrough~~ words to be deleted and underlined words to be inserted):

*14.4 Rules*

*Notes*

2. *Heritage New Zealand should be consulted regarding any activity that has the potential to ~~disturb~~ modify or destroy an archaeological site in relation to the possible need for an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014*

5. The reasons for Heritage New Zealand's position are as follows:

The inclusion of the proposed advice note at the beginning of the rules section will help raise awareness of the provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in situations where earthworks have the potential to affect an archaeological site.

Heritage New Zealand seeks a minor wording amendment to reflect the terminology used in the relevant provisions of the Heritage New Zealand Pouhere Taonga Act 2014.

It is noted that the operative criteria for assessing earthworks that require a subdivision or land use consent require suitable consideration of potential effects on historic heritage (including cultural heritage and archaeological sites).

**6. Heritage New Zealand seeks the following decision from the local authority:**

Retention of the proposed advice note, with the suggested amendment.

**7. Heritage New Zealand does not wish to be heard in support of our submission.**

Yours sincerely



Claire Craig  
General Manager  
Central Region  
New Zealand Historic Places Trust Pouhere Taonga

Address for Service:

Jillian Kennemore  
Heritage Adviser-Planning  
Heritage New Zealand  
PO Box 2629  
Wellington 6140  
DDI: 04-494-8325  
Email: [HAPlanningCR@heritage.org.nz](mailto:HAPlanningCR@heritage.org.nz)

**SUBMISSION ON PROPOSED PLAN CHANGES 42-44 OF THE WANGANUI DISTRICT PLAN  
PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT  
ACT 1991**

**To:** Wanganui District Council  
PO Box 637  
**WANGANUI 4500**

E-Mail: [rachael.pull@wanganui.govt.nz](mailto:rachael.pull@wanganui.govt.nz)

<b>Submitter:</b>	Z Energy Limited	BP Oil NZ Limited
	PO Box 2091	PO Box 99 873
	<b>WELLINGTON 6140</b>	<b>AUCKLAND 1149</b>
	Mobil Oil NZ Limited	
	PO Box 1709	
	<b>AUCKLAND 1140</b>	

Hereafter, collectively referred to as the *Oil Companies*

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

Attention: Mark Laurenson

Phone: (09) 917-4302

Fax: (09) 917-4311

Email: [m Laurenson@burtonconsultants.co.nz](mailto:m Laurenson@burtonconsultants.co.nz)

**A. INTRODUCTION**

1. The Oil Companies receive, store and distribute refined petroleum products.
2. The Oil Companies have commercial, shore and marine based and aviation and bulk storage facilities and are also owners of retail outlets and suppliers of petroleum products to individually owned retail outlets.
3. The comments on these provisions are therefore focused on the key issues to the Oil Companies as they relate to earthworks/soil disturbance.

**B. THE SPECIFIC PROVISIONS OF THE PROPOSED PLAN THAT THE OIL COMPANIES SUBMISSION RELATES TO ARE SUMMARISED AS FOLLOWS:**

4. The submission relates primarily to Chapter 14 (earthworks) of Proposed Plan Change 43 (PPC43). The Oil Companies support the general approach to the earthworks provisions set out at Chapter 14 of PPC43 to the Operative Wanganui District Plan (2013).
5. The Oil Companies also seek minor amendments to PPC42 (signage) and PPC44 (parking, loading and vehicle crossings) to clarify the stated requirement for written approvals.
6. The specific provision submitted on, the rationale for the Oil Companies' submission on each of these matters, and the relief sought is contained in the following schedules.
7. In addition to the specific outcomes sought in the Schedules, the following general relief is sought:
  - (a) Achieve the purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
  - (b) Give effect to the relevant provisions of the Horizons One Plan;
  - (c) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;
  - (d) Meet the requirements of the statutory tests in section 32 of the RMA;
  - (e) Address, as relevant, the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law);
  - (f) Avoid, remedy or mitigate any relevant and identified environmental effects;
  - (g) Make any consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the District Plan Review that are not specifically subject of this submission but are required to ensure a consistent approach is taken throughout the document; and
  - (h) Any other relief required to give effect to the issues raised in this submission.



- C. THE OIL COMPANIES WISH TO BE HEARD IN SUPPORT OF THIS SUBMISSION
- D. IF OTHERS MAKE A SIMILAR SUBMISSION, THE OIL COMPANIES WOULD BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.
- E. THE OIL COMPANIES COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.
- F. THE OIL COMPANIES 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 Z Energy Limited, BP Oil NZ Limited and Mobil Oil NZ Ltd



.....  
Mark Laurenson  
Senior Planner

*Dated this day of 30 June 2015*

## CHAPTER 2 - DEFINITIONS

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

- Definition of ‘earthwork’, which is opposed.
- Definition of ‘earthworks and/ land modification’, which is opposed

**B. The reason for the submission:**

The Section 32 report establishes at paragraph 2.3.3 that text shaded grey is not subject to the Plan change process. The Oil Companies’ response to the Council at the consultation draft stage raised concerns at potential issues created by overlapping definitions for earthwork and earthworks and/land modification and suggested these need to be brought into the plan change. It was suggested that a single definition of earthworks would be more appropriate or alternatively that it should be made explicit clear how these two definitions are to be applied. This has not eventuated and no changes to the definitions of earthwork or earthworks and/land modification are proposed through this review. The notified version retains the definitions as follows:

***Earthwork:*** means any modification to land associated with development, and includes the digging, cutting, trenching, levelling, filling or re-contouring of land and associated vegetation removal, and includes other activities normally associated with excavation, but excludes domestic gardening, farming or forestry activities.

***Earthworks and/ land modification:*** means modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation, or by cutting or filling operations, including the importation of fill.

These definitions are fundamental to a plan change and should be addressed. As currently drafted these definitions fail to provide certainty and clarity. ‘Earthwork’ is only used twice in the marked up text setting out the changes through Phase 6. In both instances this is in relation to the definitions and at no point is the word earthwork used in the body of the text.

Land modification is referenced five times in the issues, objectives and policies section. Earthworks is the main term used throughout the rules. This suggests that multiple definitions are unnecessary and, in any event, overlapping definitions will only create confusion for plan users. This also provides an opportunity to address a number of deficiencies in the current definition which for instance does not extend to gardening at non domestic properties.

**C. Relief sought** (*Additions are underlined with deletions in strikethrough*)

**1. Amend the definition of earthwork as follows:**

**Earthworks:** means any modification to land associated with development, and includes the digging, cutting, trenching, levelling, filling, blading, boring, cultivation, drilling, excavation, ripping, moving, placing, removing, replacing, thrusting or ~~re~~-contouring of land and associated vegetation removal, and includes other activities normally associated with excavation, but excludes ~~domestic gardening, farming~~rural activities, quarrying or forestry activities.

**2. Delete the definition of earthworks and/ land modification.**

~~**Earthworks and/ land modification:** means modification of land surfaces by blading, contouring, ripping, moving, removing, placing or replacing soil or earth, or by excavation, or by cutting or filling operations, including the importation of fill.~~

## CHAPTER 14 - EARTHWORKS

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

- Introductory reference to the NES, which is supported
- Issue 14.1.1, which is supported
- Objective 14.2.1 and Policies 14.3.1, 14.3.2 and 14.3.3, which are supported
- Permitted Activity Rule 14.4.1, which is supported in part
- Restricted Discretionary Activity Rule 14.4.2, which is supported
- Non Complying Activity Rule 14.4.3, which is opposed
- Performance Standard 14.5.1, which is supported in part
- Performance Standard 14.5.2, which is supported

**B. The reason for the submission:**

Introduction

The introduction includes the following reference to the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES):

This section must also be read in conjunction with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. The National Environmental Standard only applies to the actual or potential effects of contaminants in soil on human health. Additional resource consents may be required by that standard, or by the Regional Council.

A copy of the Standard can be found on the website for the Ministry for the Environment.

This reference provides an important link to the NES for plan users. It is supported and should be retained.

Issue 14.1.1

The notified version of the plan includes revisions to issue 14.1.1.

**14.1.1 Poorly managed earthworks.**

Poorly managed earthworks ~~and land modification~~ can create a range of adverse effects on amenity values, ~~and~~ the physical environment ~~and~~. ~~These include dust, noise, damage to infrastructure and private property, the alteration natural and modified water flow paths and can also adversely impact on~~ cultural values.

These changes focus on the identified issue of poorly managed earthworks and remove unnecessary examples of potential issues and effects. These changes are supported and should be retained.

Objective 14.2.1 and Policies 14.3.1, 14.3.2 and 14.3.3

The objective and policies relating to earthworks are acceptable and will provide an appropriate framework for the assessment of proposed earthworks and should be retained.

Rule 14.4.1

The proposed permitted activity rule clearly states that the performance standards relating to earthworks do not apply to earthworks for the replacement and/or removal of a fuel storage system as defined by the NES. The Oil Companies welcome the permitted activity status of tank replacements/removals as adequate controls are provided for under the NES.

The Oil Companies question the justification for the permitted activity requirement to supply the Council with formal documentation of the backfill compaction. The Oil Companies are not aware of any particular issues associated with these filling activities and if the Council has encountered problems historically then the Oil Companies would be pleased to discuss these concerns. It is noted that no such requirement is proposed as a performance standard and therefore other permitted earthworks operations would not be similarly burdened. It is noted that no such certification appears to be required of the Council's own filling operations or those of network utility operators.

Rule 14.4.2

The Oil Companies support the proposed default to Restricted Discretionary Activity status which effectively enables the consideration of the effects of earthworks, and there is no need for any broader consideration of effects.

Rule 14.4.3

Under Rule 14.4.3 the following are non-complying activities:

- a Earthworks that result in the discharge of material into reticulated infrastructure or onto roads when no measures have been undertaken to avoid or limit the issue.*

The pathway to this rule is not clear as non-compliance with performance standards triggers restricted discretionary activity status under 14.4.3. Furthermore the intent of this rule is more appropriately addressed by general earthworks standard 14.5.2h which states:

- h Measures shall be implemented to ensure that infrastructure is appropriately protected from infiltration of sediments and roads are kept clean of mud and other such material.*

Subject to appropriate assessment criteria, it is considered that an activity which does not comply with 14.5.2h could be appropriately considered as a restricted discretionary activity under 14.4.2, rendering 14.4.3 unnecessary.

It is noted that the earthworks section includes reference to Resource Consent Assessment Criteria but these are not included in the chapter and a review of the existing provisions has not been undertaken as part of this exercise. It is assumed there will be consequential changes to the criteria.

#### Performance Standard 14.5.1 - Scale of earthworks

The standard provides for:

- a Earthworks up to and including 50% of the area of any allotment up to a maximum area of 500m<sup>2</sup> cleared. Where there is more than one allotment area subject to works as part of a development project, the area of works shall be calculated cumulatively across those allotments affected.*
- b The erection of retaining walls shall not either singularly or cumulatively, exceed 1.5 metres in height. Refer to Diagram 2.*

*Note: This rule excludes the following*

- 1 Earthworks associated with rural activities including tilling, harvesting, planting, ploughing, regrassing, or similar activity in the Rural Zones are exempt from the above provisions.*
- 2 Sheetpiles*
- 3 Retaining walls for which a valid Building Consent exists*

The term 'cleared' in the context of earthworks suggests vegetated. This is not necessarily the case and could be better articulated. Council may also wish to consider providing for a maximum area as a ratio of allotment(s) area to recognise that more extensive earthworks may be acceptable as a permitted activity on larger sites.

The exclusion of sheetpiles from the standards relating to retaining walls is supported although the Oil Companies' tank replacement will be exempt from these standards.

Performance Standard 14.5.2 – General earthworks

As notified these performance standards would not apply to tank removals and replacements but would apply to more general earthworks on service stations. The standards are acceptable.

- C. **Relief sought** (*Additions are underlined with deletions in strikethrough*)
- 3. **Retain the reference in the introduction to the NES without modification.**
- 4. **Retain Issue 14.1.1 without modification**
- 5. **Retain Objective 14.2.1 and Policies 14.3.1 to 14.3.3 without modification.**
- 6. **Amend Permitted Activity Rule 14.4.1 as follows:**

Earthworks ~~associated with~~ for the replacement and/or removal of a fuel storage system as defined by the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. ~~where backfill is compacted to a professional engineer standard and documentation of the backfill compaction is lodged at Council as part of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health requirements.~~ The performance standards for earthworks do not apply to these activities.

- 7. **Retain Restricted Discretionary Activity Rule 14.4.2 without modification.**
- 8. **Delete Non-Complying Activity Rule 14.4.3.**
- 9. **Amend Performance Standard 14.5.1 as follows:**
  - a *Earthworks up to and including 50% of the area of any allotment up to a maximum area of 500m<sup>2</sup> disturbed ~~cleared~~. Where there is more than one allotment area subject to works as part of a development project, the area of works shall be calculated cumulatively across those allotments affected.*
  - b *The erection of retaining walls shall not either singularly or cumulatively, exceed 1.5 metres in height. Refer to Diagram 2.*

*Note: This rule excludes the following*

- 4     *Earthworks associated with rural activities, including tilling, harvesting, planting, ploughing, regrassing, or similar activity, in the Rural Zones ~~are exempt from the above provisions.~~*
  - 5     *Sheetpiles*
  - 6     *Retaining walls for which a valid Building Consent exists*
10.    **Retain Performance Standard 14.5.2 without modification.**





KTB Planning Consultants Ltd  
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EMAIL [admin@ktbplanning.co.nz](mailto:admin@ktbplanning.co.nz)  
[www.ktbplanning.co.nz](http://www.ktbplanning.co.nz)

30 June 2015

Wanganui District Council,  
PO Box 637,  
Wanganui

Dear Sir/Madam

**Wanganui District Council - District Plan Review Phase 6  
Proposed Plan Change 43 (District Wide Provisions),  
Submission by Rayonier Matariki Forests Limited.**

Please accept this letter as a submission on behalf of Rayonier Matariki Forests (Rayonier).

**Submitter:** Rayonier Matariki Forests Limited (Rayonier)

**Contact:** Sam Scarlett ([sam.scarlett@rayonier.com](mailto:sam.scarlett@rayonier.com))

**Contact Person/Address for Service:**

Karl Baldwin ([karl@ktbplanning.co.nz](mailto:karl@ktbplanning.co.nz))

KTB Planning Consultants Ltd

PO Box 641

Cambridge 3450

Phone: 07 823 3584

**Trade Competition:** Rayonier could not gain an advantage in trade competition through this submission.

**Hearing:** Rayonier does wish to be heard in support of its submission and is prepared to consider presenting their submission in a joint case with others making a similar submission at any hearing.

## **Submission Points**

### **Earthworks Section 14**

#### **Entire section – Support in Part**

It is understood that forestry earthworks are excluded from the Proposed District Plan's (PDP) definition of 'earthworks' and consequently are therefore also excluded from the various provisions (including performance standards) of the Earthworks Section of the PDP.

Rayonier supports this approach, as the Horizons Regional Plan already contains detailed controls and performance standards which apply to earthworks associated with forestry activities. It is also noted that Rayonier have an existing resource consent for its forestry activities within the Wanganui District from Wanganui-Manawatu Regional Council. This consent is to enable the clear felling of plantation forest, to undertake land disturbance during the construction and upgrading of roads, tracks and landings, to undertake land preparation for replanting forest, and to place and use culverts within its forest holdings.

It is also understood that forestry activities (which includes all ancillary activities<sup>1</sup>) are further exempt from performance standard 14.5.1 by way of advice note number 1, which excludes harvesting and planting in Rural Zones. For the sake of consistency and clarity, it is suggested that the term 'forestry' should be specifically included within this advice note.

In principle, Rayonier supports the approach outlined in the proposed Earthworks Section 14, however clarity is sought in terms of consistency of terminology and definitions.

#### **Relief Sought**

1. Retain the current approach that excludes forestry earthworks from the definition of earthworks and therefore from the earthworks provisions.
2. Amend the advice note (1) in section 14.5.1 to specifically refer to 'Forestry'.
3. Amend the definition of 'Forestry' to be consistent with that contained within the Horizons One Plan as follows:

**Forestry** means activities associated with all soil conservation forestry, forestry planted for carbon sequestration purposes or production forestry including tracking, earthworks, land preparation, planting, pruning, thinning, clearing understorey (indigenous and exotic species), and harvesting.

If you wish to discuss any of the issues raised in this submission, please do not hesitate to contact Karl Baldwin (KTB Planning Consultants Ltd) on 07 823 3584 or by e-mail at [karl@ktbplanning.co.nz](mailto:karl@ktbplanning.co.nz).

Yours Sincerely



Karl Baldwin MNZPI  
**Director**  
**KTB Planning Consultants Ltd**

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<sup>1</sup> Refer to suggested definition in RNZ submission on Plan Change 45



30 June 2015

Wanganui District Council  
PO Box 637  
**WANGANUI 4500**

By Email to: Leayne.Huirua@wanganui.govt.nz

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN, CHANGE OR  
VARIATION (FORM 5)  
Wanganui District Plan – Proposed Plan Changes 40-45**

**NAME OF SUBMITTER:**

KiwiRail Holdings Limited (KiwiRail)

**ADDRESS FOR SERVICE:**

Wellington Railway Station  
PO Box 593  
WELLINGTON 6140  
Attention: Rebecca Beals

**KiwiRail Submissions on Proposed Plan Changes 40-45**

KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail Holdings Limited is also the Requiring Authority for land designated "Railway Purposes" (or similar) in District Plans throughout New Zealand. In Wanganui, this includes the Marton to New Plymouth Line, the Wanganui Branch and the Castlecliff Branch.

KiwiRail's submissions on Proposed Plan Changes 40-45 are set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck-out~~ text. In reaching the matters upon which to submit in the marked up text for the Plan Changes, we have taken the underlined text as inserted, struck out text as deleted, and shaded grey text as for information only and that it is not part of this plan change suite.

KiwiRail wishes to speak to our submission and will consider presenting a joint case at the hearing with other parties who have a similar submission. KiwiRail could not gain an advantage in trade competition through this submission.

Regards

A handwritten signature in blue ink, appearing to read "Rebecca Beals".

Rebecca Beals  
**Senior RMA Advisor**  
**KiwiRail**



Submission Number	Proposed Amendment	Support/Oppose/ Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
PC44 Sub 6			network. Just as vehicle crossings are often set back from intersections to enable stacking distances for vehicles at the intersection and safe entry/exit from the property, the same applies for level crossings. Ensuring that vehicle crossings are setback from level crossings enables property access to be achieved without interference or undue safety risks being created at the level crossing. KiwiRail note that this policy is supported by Rule 12.5.7 in relation to requiring the setback of vehicle crossings from level crossings.	
8.	Policy 12.3.5	Support	The inclusion of reverse sensitivity policy direction within the District Plan as proposed in relation to protecting the safe and efficient operation of the transport network is supported by KiwiRail.	Retain as notified.
9.	Rule 12.4.1 – Notes	Support in part	The Note under the Permitted Activities listed at 12.4.1 is supported by KiwiRail, however this is sought to be amended slightly.  Any work on the railway network or access to the corridor requires a Permit to Enter from KiwiRail, irrespective of whether a resource consent is required or not. The Permit to Enter process is about ensuring safety of all parties before accessing the corridor and therefore we seek that the Note be amended slightly to reflect that.	Amend as follows:  <i>The written approval of the KiwiRail is required for any work-on <b>activity that requires access to</b> the Railway Network that breaches a District Plan rule.</i>
10.	Performance Standard 12.5.7	Support	KiwiRail support the performance standard requiring property accesses to be setback 30m from a level crossing.	Retain as notified.
11.	Performance Standard 12.5.8	Support	KiwiRail support the requirement for sightline protection as identified at Rule 12.5.8. to ensure that safety is retained for both the general public approaching and crossing level crossings, and for those using the rail network.	Retain as notified.
<b>Section 14: Earthworks</b>				
12.	Rules 14.4.3: Note	Support	Clarity is provided through the Note stating that earthworks associated with the installation and maintenance of network utilities is excluded from the provisions of this Section, and this is supported by KiwiRail.	Retain as notified.
13.	Performance Standard 14.5.2(h)	Support	KiwiRail support that where earthworks are being undertaken, consideration and implementation of appropriate measures to protect infrastructure is required.	Retain as notified.
<b>Section 16: Signage</b>				
14.	Policy 16.3.1	Support	KiwiRail support the requirement that the safe and efficient operation of the transport network is maintained, and not impeded as a result of signage placement.	Retain as notified.
15.	Performance Standard 16.5.1(b)(i)	Support in Part	KiwiRail support the proposed performance standard and the reflection of rail safety through the provision as proposed, however seek that 'train' crossing be altered to 'level' crossing to reflect consistent wording throughout the rest of the District Plan provisions.	Amend as follows:  <i>16.5.1 General ... i. Signs are not visible at the approach to, or from an intersection, pedestrian crossing or train <b>level</b> crossing. ...</i>
<b>Section 17: Noise</b>				
16.	Policy 17.3.1	Support	KiwiRail support that reverse sensitivity effects in relation to the land transport network are provided for through Policy provisions, and that this specifically includes the rail network.	Retain as notified.
17.	Policy 17.3.3(b)	Support	That the Policy direction is specific around noise sensitive activities adopting sound insulation to mitigate any adverse noise effects, including from existing noise generating activities is also supported by KiwiRail.	Retain as notified.
18.	Performance Standard 17.5.3	Support	The performance standard proposed at 17.5.3 is consistent with that adopted through the Environment Court appeal by KiwiRail into noise and reverse sensitivity in relation to the railway network. Continued reflection of the outcome from that process and providing some level of protection over the entire rail network is supported.  KiwiRail seek that the provision be amended to include altered	Amend as follows:  <i>New, <b>altered</b> or relocated buildings for a noise sensitive activity on any site within any rural, commercial or industrial zones (excluding the Airport Enterprise Zone) or within 30 metres of a railway or state highway designation shall comply with the following: ...</i>



**SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN  
CHANGES 42 – 45 TO THE OPERATIVE WANGANUI DISTRICT  
PLAN:**

**Due 30<sup>th</sup> June 2015**

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**TO:** Wanganui District Council  
PO Box 637  
WANGANUI

**By Email:** [Leayne.Huirua@wanganui.govt.nz](mailto:Leayne.Huirua@wanganui.govt.nz)

**FROM:** Powerco Limited ("Powerco")  
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: Georgina McPherson

Phone: (09) 917 4301

Fax: (09) 917 4311

[gmcpherson@burtonconsultants.co.nz](mailto:gmcpherson@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. These consumers are served through Powerco assets including nearly 8,500 kilometres of electricity lines (including overhead lines and cables) and 850 kilometres of gas pipelines.
2. Powerco supplies electricity to the whole of the Wanganui District by way of its electricity sub-transmission and distribution network.
3. Powerco's electricity sub-transmission and distribution assets are recognised as being physical resources of national or regional importance in accordance with Policy 3-1 of the Manawatu – Wanganui One Plan.

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

4. This submission relates specifically to the following parts of Proposed Plan Changes 42-45 to the Operative Wanganui District Plan (*the District Plan*).
  - Chapter 2 Definitions
  - Chapter 10 Natural Environment
  - Chapter 14 Earthworks
  - Chapter 16 Signage
  - Chapter 22 Network Utilities
5. The specific provision submitted on, the rationale for Powerco's submission on each of these matters, and the relief sought is contained in the following schedules. In addition, in giving effect to the relief set out in the following schedules, Powerco seeks to ensure that the provisions of the PAUP raised by this submission:
  - (a) Achieve the purpose and principles of the Resource Management Act 1991 (RMA) and consistency with the relevant provisions in Sections 6 - 8 RMA;
  - (b) Give effect to the relevant provisions of the Horizons One Plan;
  - (c) Assist the Council to carry out its functions of achieving the integrated management of the effect of the use, development or protection of land;



- (d) Meet the requirements of the statutory tests in section 32 of the RMA;
- (e) Address, as relevant, the considerations identified by the Environment Court for planning instruments in decisions such as Long Bay-Okura Great Park Society Inc v North Shore City Council (and subsequent case law);
- (f) Avoid, remedy or mitigate any relevant and identified environmental effects;
- (g) Make any consequential relief as required to give effect to this submission, including any consequential relief required in any other sections of the District Plan Review that are not specifically subject of this submission but are required to ensure a consistent approach is taken throughout the document; and
- (h) Any other relief required to give effect to the issues raised in this submission.

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

**F. POWERCO IS 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.**

Signature of person authorised to sign on behalf of Powerco Limited



Georgina McPherson  
Principal Planner

*Dated this 29<sup>th</sup> day of June 2015*

**SCHEDULE 2: PROPOSED PLAN CHANGE 43 – DISTRICT WIDE****1. The specific parts of Proposed Plan Change 43 that Powerco's submission relates to are:**

- Chapter 14 – Earthworks
  - Non-application of Chapter 14 – Earthworks to network utilities, which is supported subject to clarification
  - Objective 14.2.1 and Policy 14.3.2, which is supported
  - 14.4 Rules – Advice Note 1, which is opposed
  - 14.4 Rules – Advice Note, which is supported
- Chapter 2 – Definitions *- Refer to Submission 2 PC44*
  - Definition of 'electricity lines' which is supported.
  - Definition of 'lines', which is supported subject to clarification
  - Definition of 'reverse sensitivity' which is opposed.

**2. Powerco's submission on Proposed Plan Change 43 is set out in the table below:**

Provision	Support/ Oppose	Decision Sought (additions underlined/ deletions in strikethrough)	Reasons
<b>Chapter 14 - Earthworks</b>			
Scope of Activities subject to Chapter 14 - Earthworks	Support subject to amendment	<b>Amend the introduction to Chapter 14 – Earthworks (paragraph 1) to clarify that the earthworks provisions in Chapter 14 do not apply to network utilities. This could be achieved by making amendments along the following lines:</b>  <i>The objectives, policies and rules in this chapter apply across the District <u>with the exception that they do not apply</u></i>	The introduction to Chapter 14 Earthworks states that 'the objectives, policies and rules in this chapter apply across the District'. However, the advice note to the rules in section 14.4 advises that works associated with the installation and maintenance of network utilities are excluded from the provisions of this section. This is reiterated by Performance Standard 22.5.1(b) in the



## SCHEDULE 2: Proposed Plan Change 43 – District Wide

Provision	Support/ Oppose	Decision Sought (additions underlined/ deletions in strikethrough)	Reasons
		<i>to network utilities, which are subject to the earthworks provisions in Chapter 22 Network Utilities. They are grouped together to prevent repetition throughout the Plan.</i>	Network Utilities chapter, which advises that all network utilities are exempt from the earthworks performance standards in Chapter 14. As a matter of consistency, the introduction to Chapter 14 should be amended to clarify that the earthworks provisions do not apply to network utilities.
Objective 14.2.1 and Policy 14.3.2	Support	<p><b>Retain Objective 14.2.1 and Policy 14.3.2 without modification, as follows:</b></p> <p><b>Objective 14.2.1 Quality earthworks development.</b>  <i>Earthworks and land modification in Wanganui that:</i></p> <ul style="list-style-type: none"> <li><i>a. Maintains or enhances:</i> <ul style="list-style-type: none"> <li><i>i. Amenity values.</i></li> <li><i>ii. Landforms and natural processes.</i></li> <li><i>iii. The efficiency and effectiveness of infrastructure.</i></li> <li><i>iv. The safety of people and property.</i></li> <li><i>v. The stability of soils; and</i></li> </ul> </li> <li><i>b. Has appropriate regard to cultural heritage sites and values.</i></li> </ul> <p><b>Policy 14.3.2 Effects of earthworks.</b>  <i>Avoid earthworks and land modification that result in damage to property, network utilities or significant nuisance</i></p>	The objective and policy are supported. Inappropriate earthworks in close proximity to network utilities can result in damage to assets including by undermining or effects on stability and should, therefore, be avoided.

## SCHEDULE 2: Proposed Plan Change 43 – District Wide

Provision	Support/ Oppose	Decision Sought (additions underlined/ deletions in strikethrough)	Reasons
		<i>effects.</i>	
14.4 Rules – Advice Note 1	Oppose	<p><b>Amend Advice Note 1 under 14.4 Rules to avoid overstating the potential need for regional earthworks consents and to avoid the potential use of the note as a defacto requirement for evidence of consultation with the regional council to be submitted as part of all district council earthworks consent applications. This could be achieved by making amendments along the following lines:</b></p> <p><u>Certain activities involving disturbance to land will also require regional consent. Applicants are encouraged to consult the</u> <del>The</del> <u>Manawatu-Wanganui Regional Council</u> <del>should be consulted regarding any activity which results in disturbance to land to identify any Regional Council requirements.</del></p>	<p>While an advice note that draws attention to the requirement to comply with relevant regional earthworks controls can be supported, Advice Note 1 suggests that the regional council should be consulted in relation to <u>all</u> activities involving land disturbance. A significant number of small scale land disturbance activities will fall well below the 2,500m<sup>2</sup> permitted activity threshold in the One Plan and a number of activities are excluded from the One Plan definition of 'land disturbance'. A suggestion that the regional council should be consulted in relation to <u>all</u> activities involving land disturbance appears, therefore, to be significantly out of kilter with the regional consent triggers and will be unnecessary in many situations. Further, despite the status of the statement as an advice note, there is some concern that it could be used as a basis to require evidence of consultation with the regional council to be submitted as part of all district council earthworks consent applications. In many circumstances this will be unnecessary and unduly onerous, noting that the consent thresholds in the district</p>



## SCHEDULE 2: Proposed Plan Change 43 – District Wide

Provision	Support/ Oppose	Decision Sought (additions underlined/ deletions in strikethrough)	Reasons
			plan are significantly lower than those in the regional plan. The advice note should be amended.
14.4 Rules – Advice Note	Support	<p><b>Retain the advice note at the end of 14.4 Rules but as a matter of formatting consistency relocate it to the beginning of 14.4 Rules to sit alongside the other advice notes in that section and identify it as advice note 3, as follows:</b></p> <p><i>Notes:</i></p> <p><u>3. Quarrying and works associated with the installation and maintenance of network utilities are excluded from the provisions of this section.</u></p>	The advice note at the end of the rules in section 14.4 advises that works associated with the installation and maintenance of network utilities are excluded from the provisions of this section. This approach is supported as it recognises the unique nature of network utilities and reinforces the purpose of Chapter 22 as a single standalone chapter to deal with network utilities. Section 14.4 Rules includes two other advice notes, numbered 1 and 2 at the beginning of the section. On the basis of formatting consistency the advice note relating to network utilities should be shifted to the beginning of the section and numbered as advice note 3.
<b>Chapter 12 – Definitions</b>			
Definition of 'Electricity lines' <b>PC44 Sub 2</b>	Support	<p><b>Retain the definition of electricity lines, as follows:</b></p> <p><i>Electricity lines: All National Grid, sub-transmission and distribution lines that primarily transmit and distribute electricity</i></p>	The definition of electricity lines is supported as it clearly includes Powerco's sub-transmission and distribution networks.
Definition of 'Lines'	Support subject to	<b>Amend the definition of lines to clarify that it applies to telecommunication and radiocommunication lines, and</b>	The proposed new definition of 'lines' needs to be amended to clarify that it applies to telecommunication

# Submission by Transpower New Zealand Limited on proposed Plan Changes 40 – 45 to the Proposed Wanganui District Plan

30 June 2015



*Keeping the energy flowing*



TRANSPOWER





	<p>Resource Management Act 1991</p> <p><b>Submission on a Publicly Notified Plan Change</b></p> <p><b>To The Wanganui District Plan</b></p> <p><small>In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003</small></p>	
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TO: Wanganui District Council, PO Box 637, Wanganui

Name: (print in full) TRANSPOWER

This is a submission on Plan Change No. 40-45 Closing Date: 30 June 2015

1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I am/am not\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

Please see attached submission

*Use additional pages if required*

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

Please see attached submission

*Use additional pages if required*

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

Please see attached submission

*Use additional pages if required*

5. I do/~~do not~~\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I ~~would~~/would not\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

7. Address for service:

4- Beca Limited

PO Box 3942

Wellington 6140

Signature: 

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

Day time phone No: 04 550 5933 / 027 463 3031

Email: hywel.edwards@beca.com

Date: 30-6-15

## **Submission on proposed Plan Changes 40 – 45 to the Wanganui District Plan**

**To:** Wanganui District Council (Council)

**Name of submitter:** Transpower New Zealand Limited (Transpower)

Transpower is the state-owned enterprise that plans, builds, maintains, owns and operates New Zealand's high voltage electricity transmission network (the National Grid) that carries electricity across the country. It connects power stations, owned by electricity generating companies, to substations feeding the local networks that distribute electricity to homes and businesses.

The National Grid includes towers, poles, lines, cables, and substations in the jurisdiction of Wanganui District Council. The role of the National Grid is to enable New Zealand to achieve its international and local aspirations<sup>1</sup>. The National Grid is critically important infrastructure that is necessary for a reliable, secure, supply of electricity, throughout the country.

**Transpower could not gain an advantage in trade competition through this submission.**

**The specific provisions of the proposal that this submission relates to are:**

While the proposed Plan Change provisions are contained in a single document, Transpower's submission is primarily in relation to the following aspects of proposed Plan Changes 40 – 45 to the Wanganui District Plan:

- Chapter 16 – Signage (PPC42)
- Chapter 19 – District Wide Activities (PPC43)
- Chapter 22– Network Utilities (PPC44)
- Chapter 10 – Natural Environment (PPC45)

The specific details of Transpower's submission, and decisions sought in relations to the provisions contained in the chapters above, are contained in the attached table. The relief that Transpower is seeking will give effect to the National Policy Statement on Electricity Transmission 2008 (NPSET).

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<sup>1</sup> Transpower's Statement of Corporate Intent for July 2012 to June 2015.



## 1 Executive Summary

The National Grid is nationally (and regionally) significant infrastructure which is recognised within an RMA context by the National Policy Statement on Electricity Transmission 2008 (NPSET) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulation 2009 (NESETA).

The Wanganui District Plan (inclusive of plan changes) is required among other things, to:

- (a) give effect to the provisions of the NPSET; and
- (b) not be in conflict with nor duplicate the provisions of the NESETA.

Transpower acknowledges Council's intent to meet the above obligations and supports the general approach taken. However, Transpower considers some amendments to the proposed Plan Changes are required in order to discharge its statutory responsibilities under the NPSET and NESETA.

This submission outlines necessary amendments to the proposed Plan Changes to meet the above statutory requirements.

## 2 Background: The National Grid

The National Grid extends from Kaikohe in the North Island to Tiwai Point in the South Island, and in doing so links electricity generators to distribution companies and major industrial users throughout New Zealand. To achieve these linkages, the National Grid comprises some 12,000km of transmission lines and cables and 167 substations across the country. The National Grid also includes a telecommunications network of approximately 300 telecommunication sites, which connects and controls the components (including substations) that make up the National Grid.

The National Grid is nationally significant infrastructure that plays an essential role in maintaining reliability and security of supply of energy and supports New Zealand's national and regional economic growth. It is important to acknowledge that Transpower's role is distinct from electricity generation or retail. Transpower provides the required infrastructure to transport electricity from the point of generation to local lines distribution companies which supply electricity to everyday users. These users may be a considerable distance from the point of generation. As a result, the National Grid traverses District and Regional Council boundaries. A large portion of the electricity generated in the lower South Island is transmitted northwards. In some cases, major users of electricity will directly connect to the National Grid.

Transpower is committed to ensuring that the National Grid continues to meet the needs of its users both in the short and in the long term. It is important that existing National Grid infrastructure is allowed to be operated, maintained, upgraded and developed in an efficient and effective manner in order to ensure that these expectations are met. In order for this to occur it is crucial that development under the lines and around other National Grid infrastructure is appropriately managed to ensure continued access to these assets.

Transpower's 30 year strategy for future development of the National Grid is set out in 'Transmission Tomorrow'. This document outlines the view that there will be an on-going role for the National Grid, and that the lines and substations Transpower owns and operates will be required into the future. As such, it is important that the existing transmission corridors are maintained as far as practicable. Conversely, it is important that where new infrastructure is required, this is recognised and provided for.

The National Grid has operational requirements and engineering constraints that dictate and constrain the way it is operated, maintained, upgraded and developed. Operational requirements are set out in legislation, rules and regulations that govern the National Grid, including the Electricity Act 1992, the Electricity Industry Participation Code, and the Electricity (Hazards from Trees) Regulations 2003.

### 3 Transpower's Assets in Wanganui

Transpower, as the owner or operator of the National Grid, has a significant interest in Wanganui. This interest includes high voltage transmission lines and associated infrastructure that traverse the District in order to supply electricity to Wanganui and to transmit electricity across the broader Wanganui region (and beyond).

The following National Grid assets are within, or traverse, the Council's jurisdiction:

- Brunswick – Bunnythorpe A (BRK-BPE A) 220kV transmission line on double circuit steel towers;
- Brunswick – Stratford A (BRK-SFD A) 220kV transmission line on double circuit steel towers;
- Brunswick – Stratford B (BRK-SFD B) 220kV transmission line on double circuit steel towers;
- Wanganui – Stratford A (WGN-SFD A) 110kV transmission line on single circuit pi poles;
- Bunnythorpe-Wanganui B (BPE-WGN B) 110kV transmission line on double circuit steel towers;
- Brunswick Substation
- Wanganui Substation

A map showing the location of these National Grid assets in Wanganui is attached.

The transmission line assets within and traversing the Wanganui district are located in the following zones: Rural General, Rural Lifestyle, Rural Production and Residential. Transpower's substation assets are located within the Rural General Zone (D46 and D47). These zones are subject to change through the proposed Plan Changes.

### 4 Resource Management Act and the National Grid

The national significance of the National Grid is recognised, in an RMA context, by the NPSET<sup>2</sup> and the NESETA<sup>3</sup>. These documents apply only to the National Grid, and do not apply to local electricity distribution networks, nor lines owned and operated by generators.

#### 4.1 National Policy Statement on Electricity Transmission 2008

The NPSET was gazetted on 13 March 2008 and confirms the national significance of the National Grid and provides policy direction in relation to:

- Recognising the benefits of National Grid transmission;
- Managing the environment effects of the National Grid;

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<sup>2</sup> <http://www.mfe.govt.nz/publications/rma/nps-electricity-transmission-mar08/nps-electricity-transmission-mar08.html>

<sup>3</sup> [http://www.legislation.govt.nz/regulation/public/2009/0397/latest/DLM2626036.html?search=qs\\_act%40bill%40regulation%40deemedreg\\_electricity+transmission\\_resel\\_25\\_h&p=1](http://www.legislation.govt.nz/regulation/public/2009/0397/latest/DLM2626036.html?search=qs_act%40bill%40regulation%40deemedreg_electricity+transmission_resel_25_h&p=1)



- Managing the adverse effects of third parties on the National Grid; and
- Long term strategic planning for transmission assets.

A key reason for introducing the NPSET in 2008 was to resolve the inconsistencies that resulted from the variable provision for the National Grid in RMA plans and policy statements. This variance was despite the fact that the National Grid is largely the same across the country. In promoting the NPSET, central government accepted the importance and benefits of a nationally consistent approach to decisions on transmission activities. The RMA amendment to Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003<sup>4</sup>, by inserting section 2(i) further acknowledges the importance of the National Grid by requiring Transpower to be served notice of applications or reviews that may affect the National Grid.

The single objective of the NPSET is as follows:

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

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

The NPSET objective is supported by 14 Policies. In a general sense these policies address the following:

- Policy 1: Recognises the benefits of the National Grid;
- Policy 2: Recognises and provides for the effective operation, maintenance, upgrading and development of the National Grid;
- Policies 3 to 5: Weighs the management of environmental effects against the operational constraints, site/route selection approach, and the requirements of existing assets;
- Policies 6 to 8: Reducing, minimising and avoiding adverse effects in differing contexts;
- Policy 9: Potential health effects;
- Policies 10 and 11: Managing adverse effects on the National Grid and providing for “buffer corridors”;
- Policy 12: Mapping the National Grid; and
- Policies 13 and 14: Long-term development and planning for transmission assets.

Section 75(3) of the RMA requires a District Plan to give effect to a National Policy Statement (NPS). The Supreme Court recently considered what is meant by the phrase “give effect to” in the context of the New Zealand Coastal Policy Statement (NZCPS) and held that:

*“Give effect to” simply means “implement”. On the face of it, it is a strong directive, creating a firm obligation on the part of those subject to it ... There is a caveat, however. The implementation of such a directive will be affected by what it relates to, that is, what must be given effect to. A requirement to give effect to a policy which is framed in a specific and unqualified way may, in a practical sense, be more prescriptive than a requirement to give effect to a policy which is worded at a higher level of abstraction. “*

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<sup>4</sup> Resource Management (Forms, Fees, and Procedure) Amendment Regulations (No 2) 2006

The Supreme Court held that the “requirement to ‘give effect to’ the NZCPS is intended to constrain decision-makers”. Transpower submit that this applies equally to the NPSET in the context of decisions relating to electricity transmission. Similarly, the observation that the “NZCPS is a carefully expressed document whose contents are the result of a rigorous process of formulation and evaluation. It is a document which reflects particular choices” applies to the NPSET. The preamble of the NPSET highlights that the National Grid has particular physical characteristics and operational/security requirements that create challenges for its management under the RMA, and it is important there are consistent policy and regulatory approaches by local authorities.

Council must determine how to give effect to the NPSET, and similarly future Hearings Panel must consider the NPSET in decisions on submissions. It is noted that the NPSET, along with further supporting documents, including an implementation guide, are available on the Ministry for the Environment website<sup>5</sup>.

Giving effect to the NPSET will ensure that:

- The National Grid is able to be effectively and efficiently operated, maintained, upgraded and developed; and
- The adverse effects of development in proximity to the National Grid are managed and are reduced, minimised or avoided depending upon the context in which the development occurs.

#### **4.2 Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009**

The NESETA came into effect on 14 January 2010 and sets out a national regulatory framework for activities related to existing National Grid lines, including the operation, maintenance and upgrading of such lines. The NESETA specifies permitted electricity transmission activities (subject to standards) and resource consent requirements where these activities do not meet the standards.

The NESETA only applies to the National Grid lines that existed at 14 January 2010 and does not apply to new lines or substations. As with the NPSET, the NESETA does not apply to electricity distribution lines.

Under section 44A of the RMA, local authorities are required to ensure there are no duplications or conflicts between the provisions of the NESETA and a proposed plan (inclusive of plan changes). The provisions of the NESETA are therefore of particular relevance to the Proposed Wanganui District Plan.

## **5 Transpower’s Submission**

Transpower generally supports the approach taken by the Council to providing for the National Grid in the proposed Plan Changes, including the consideration of network utilities in a separate and stand-alone chapter. Transpower also acknowledges the fact that a link to the NPSET is provided with the proposed Plan Change documentation and is supportive of this approach.

Transpower recognises that Wanganui District Council is reviewing the District Plan in phases and, so far, Transpower has submitted on:

- Phase 1: City Centre and Riverfront;

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<sup>5</sup> at <http://www.mfe.govt.nz/rma/central/transmission>



- Phase 2: Residential (which incorporated Rural Lifestyle, Neighbourhood Commercial, Natural Hazards, Subdivision, Earthworks and Infrastructure and Reserves and Open Space);
- Phase 4: Designations, Protected Trees and Verandah Posts) - gave notice to roll over two designations; and
- Phase 5: Rural, Papakāinga, Hazards and Archaeology.

Transpower supports the inclusion of provisions that recognise the national significance of the National Grid and provide for the protection of the network from activities that may compromise its efficient operation, maintenance, upgrading and development. Transpower acknowledges that many of these provisions will be introduced into the District Plan via Plan Change 36 (Rural)<sup>6</sup>, and are outside the scope of the current proposed Plan Changes.

Transpower's detailed submission highlights some areas where provisions need to be added, amended or deleted to fully give effect to the NPSET. Some of the requested changes are as a result of Transpower's evolving approach to the management of activities near the National Grid as it works with Council's around the country on various plan processes.

## 5.1 Enabling National Grid Activity

While the NESETA manages and regulates transmission lines that were built before 14 January 2010, it does not manage or regulate substations. Further, the construction of new lines in the future to satisfy electricity demand cannot be ruled out. Therefore, the District Plan needs to contemplate and provide an enabling framework for the development of the National Grid as a matter of national significance. The proposed district wide network utility plan change (Plan Change 44) is therefore of particular importance to Transpower. The provisions of Proposed Plan Change 44 need to give effect to Policies 1 – 9 of the NPSET

In light of Policies 1 -9 of the NPSET, and providing an enabling framework, the provisions of the Wanganui District Plan need to ensure:

- the sustainable management of the National Grid as a physical resource of national significance are recognised;
- the National Policy Statement on Electricity Transmission 2008 (NPSET) is given effect to;
- the benefits of the National Grid at a local, regional and national level are recognised;
- appropriate provision for the effective operation and maintenance of the network, including ensuring that transmission lines can be accessed as part of subdivision and development;
- that the National Grid can be upgraded and developed in order to meet growth in energy demand and that there may be technical and operational requirements of the network that dictates route, sites and method selection; and
- appropriate provision for the planning and development of new transmission assets.

## 5.2 Managing Adverse Effects on the National Grid

While noting many of the reverse sensitivity provisions are outside of the scope of the proposed Plan Changes (many have been sought to be introduced via Plan Change 36 (Rural)), Transpower's detailed submission points also addresses some matters that are directly related to Policies 10 and 11 of the NPSET. These policies ensure that the National Grid is appropriately "buffered" from activities that may have an adverse effect in terms of on-going operation,

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<sup>6</sup> Transpower understands some of the those provisions remain under appeal and are therefore not yet operative

maintenance, upgrade and development of the National Grid. Policies 10 and 11 of the NPSET provide the primary guidance to the management of adverse effects on the National Grid.

Policy 10 is as follows:

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

Policy 11 is as follows:

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

Under Policy 10, the Council is obliged to manage "to the extent reasonably possible" activities to avoid reverse sensitivity effects. It is "reasonably possible" for the Council to manage activities using district plan rules, including rules applying to the activities within buffer corridors.

Policy 11 of the NPSET requires local authorities to identify a buffer corridor, and Transpower acknowledges the existing District Plan provisions which give effect to this requirement. These provisions are outside the scope of the proposed Plan Changes.

### 5.3 Summary

In summary, Transpower's submission generally seeks the following:

- Appropriate recognition of the NPSET and NESETA in the hierarchy of RMA documents and the role it plays in establishing national policy, and managing and regulating National Grid activities and operations within the district;
- Retention of a number of definitions, and the inclusion of further definitions to clarify the rules and plan users' understanding of the National Grid;
- Inclusion of some additional rule and policy based measures to protect the National Grid; and
- Setting an enabling framework for any future development of the National Grid by applying no higher threshold activity status than a discretionary activity status.

**Transpower New Zealand Limited seeks the following decision from the local authority:**

**Amend** the Proposed Plan to make all required changes, including the specific amendments set out in the following tables; and such further, alternative or consequential relief as many be necessary to fully give effect to this submission.

Transpower wishes **to be heard in support of its submission.**

**Due to the specific interests of Transpower in the context of the National Grid, Transpower will not consider presenting a joint case with others at a hearing.**



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**Contact person:** Hywel Edwards, Associate - Planning



.....  
**Signature of the person authorised to sign**  
**on behalf of Transpower New Zealand Limited**

**Date:** 30 June 2015

PC43

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Chapter 3 – Rural Environment			
Rule 3.4.1) Rural Production Zone Permitted Activities	Oppose	<p>Transpower notes that relocated buildings and temporary military training activities are enabled as permitted activities – both of which have the potential to adversely affect the National Grid. Transpower acknowledges the need for these activities to be enabled as permitted activities in the National Grid Yard and also comply with the performance standards which include National Grid related performance standards at 3.5.11 and 3.5.12.</p> <p>Transpower considers that temporary relocatable buildings, which are currently considered in a stand-alone capacity, also have the potential to adversely affect the operation and maintenance of the National Grid. Transpower seeks relief to ensure the protective National Grid related provisions are also adhered to. For example, this would constrain a habitable relocatable building within the National Grid Yard.</p>	<ul style="list-style-type: none"> <li>■ Add to 3.4.1(n) to include temporary relocated buildings in the context of the National Grid               <ul style="list-style-type: none"> <li>n) Relocated Buildings that comply with Chapter 19.</li> <li>o) <u>Temporary Relocated Buildings that comply with Chapter 19</u></li> <li>p) <u>Temporary Military Training Activities that comply with Chapter 19</u></li> </ul> </li> </ul>
Rule 3.5.13 Earthworks Performance Standards	Neutral	Transpower notes the inclusion of permitted activity performance standards for earthworks in the Rural Production Zone, subject to compliance with Chapter 14 Earthworks provisions. Transpower acknowledges that in addition to these standards, performance standards in 3.5.11b (which are outside of the scope of these plan changes) would also apply, and that these would manage earthworks which may compromise the National Grid	<ul style="list-style-type: none"> <li>■ No relief sought specific to the proposed plan change text.</li> </ul>
Rule 3.6.1 (f) and (g) Rural Lifestyle Permitted Activities	Oppose	<p>Transpower notes that relocated buildings and temporary military training activities are enabled as permitted activities – both of which have the potential to adversely affect the National Grid. Transpower also notes that Rules to protect the National Grid are contained in the operative plan provisions (Rule 3.6.4(c) and (d): Non Complying Activities) which protect the National Grid.</p> <p>Transpower considers that temporary relocatable buildings, which are currently considered in a stand-alone capacity, also have the potential to adversely affect the operation and maintenance of the National Grid. Transpower seeks relief to ensure the protective National Grid related provisions are also adhered to.</p>	<ul style="list-style-type: none"> <li>■ Retain and amend Rule 3.6.1 as follows:               <ul style="list-style-type: none"> <li>e) Network utilities as permitted by Chapter 22</li> <li>f) Relocated Buildings that comply with Chapter 19</li> <li>g) <u>Temporary Relocated Buildings that comply with Chapter 19</u></li> <li>h) Temporary Military Training Activities that comply with Chapter 19</li> </ul> </li> </ul>
Rule 3.6.3 (b) Rural Lifestyle Discretionary Activities	Support	<p>Transpower supports the use of a discretionary activity status for network utility activities in the Rural Lifestyle Zone which are not permitted or restricted discretionary in Chapter 22.</p> <p><del>In the context of the National Grid, this activity status is enabling, as is required by the NPSET (e.g. Policy 2).</del></p>	<ul style="list-style-type: none"> <li>■ Retain Rule 3.6.3. (b)</li> </ul>
Rule 3.7.9 Earthworks Performance Standards	Neutral	Transpower notes the inclusion of permitted activity performance standards for earthworks in the Rural Lifestyle Zone, subject to compliance with Chapter 14 Earthworks provisions. Transpower acknowledges that in addition to these standards, the operative plan provisions (Rule 3.6.4(c) and (d): Non Complying Activities) which protect the National Grid.	<ul style="list-style-type: none"> <li>■ No relief sought specific to the proposed plan change text.</li> </ul>
Rule 3.8.1 (n) and (o) Rural Lifestyle Permitted Activities	Oppose	<p>Transpower notes that relocated buildings and temporary military training activities are enabled as permitted activities – both of which have the potential to adversely affect the National Grid. Transpower acknowledges the need for these activities to be enabled as permitted activities in the National Grid Yard and comply with the performance standards which include National Grid related performance standards (3.9.11 and 3.9.12).</p> <p>Transpower considers that temporary relocatable buildings, which are currently considered in a stand-alone capacity, also have the potential to adversely affect the operation and maintenance of the National Grid. Transpower seeks relief to ensure the protective National Grid related provisions are also adhered to.</p>	<ul style="list-style-type: none"> <li>■ Add to Rule 3.8.1 to include temporary relocated buildings in the context of the National Grid               <ul style="list-style-type: none"> <li>n) Relocated Buildings that comply with Chapter 19.</li> <li>o) <u>Temporary Relocated Buildings that comply with Chapter 19</u></li> <li>p) Temporary Military Training Activities that comply with Chapter 19</li> </ul> </li> </ul>
Rule 3.9.13 Earthworks Performance Standards	Neutral	Transpower notes the inclusion of permitted activity performance standards for earthworks in the Rural General Zone, subject to compliance with Chapter 14 Earthworks provisions. Transpower acknowledges that in addition to these standards, other provisions (which are outside of the scope of these plan changes) would also apply, and that these would manage earthworks which may compromise the National Grid (3.9.11 and 3.9.12).	<ul style="list-style-type: none"> <li>■ No relief sought specific to the proposed plan change text.</li> </ul>
Chapter 4 – Residential Environment			

Refer submission 3 PC44



New Residential Policy 4.3.X		<p>Transpower seeks the inclusion of a reverse sensitivity policy in respect of the National Grid in the Residential Zone in or to protect the National Grid from inappropriate development. This is sought to give effect to Policies 10 and 11 of the NPSET.</p> <p>Transpower notes a rule framework is present in the chapter, but not supported by an appropriate policy framework. For example, this is required when assessing non complying activities under the 'gateway test'.</p> <p>This relief is considered to be within scope of the plan changes as it related to protecting network utilities, and is similar to policy 4.3.9 which seeks to protect strategic land transport networks.</p>	<p>■ Add a new policy 4.3.X:</p> <p><u>To manage the effects of subdivision, development and land use on the safe, effective and efficient operation, maintenance, upgrading and development of the National Grid by ensuring that:</u></p> <p>(a) <u>Areas are identified in the Plan to establish safe buffer distances for managing subdivision and land use development near the National Grid;</u></p> <p>(b) <u>Sensitive activities and large-scale structures are excluded from establishing within National Grid Yards;</u></p> <p>(c) <u>Subdivision is managed around the National Grid to avoid subsequent land use from restricting the operation, maintenance, upgrading and development of the National Grid; and</u></p> <p>(d) <u>Changes to existing activities within a National Grid Yard do not further restrict the operation, maintenance, upgrading and development of the National Grid.</u></p>
Rule 4.4.1(e) and (f) Residential Permitted Activities	Neutral	<p>Transpower notes that relocated buildings and temporary military training activities are enabled as permitted activities – both of which have the potential to adversely affect the National Grid. Transpower acknowledges the rule framework specifies what activities in relation to the National Grid are non-complying (Rule 4.4.5) and this is supported, albeit these provisions are outside the scope of these plan changes.</p>	<p>■ No relief sought specific to the proposed plan change text.</p> <p>■ Make a consequential amendment to the reference to electricity transmission yards in Rule 4.4.5 for District Plan wide consistency.</p>
Rule 4.4.4 (b) Residential Discretionary Activities	Support	<p>Transpower supports the use of a discretionary activity status for network utility activities in the Residential Zone which are not permitted or restricted discretionary in Chapter 22.</p> <p><del>In the context of the National Grid, this activity status is enabling, as is required by the NPSET (e.g. Policy 2).</del></p>	<p>■ Retain Rule 4.4.4 (b)</p>
Rule 4.5.10 Earthworks Performance Standards	Oppose	<p>Transpower notes the inclusion of permitted activity performance standards for earthworks in the Residential Zone, subject to compliance with Chapter 14 Earthworks provisions. These performance standards do not relate to earthworks which may compromise the National Grid, and there appear no provisions which do this elsewhere in the chapter.</p> <p>Transpower considers the inclusion of an additional restricted discretionary and non-complying activity status is appropriate in order to protect the National Grid in the Residential Zone.</p>	<p>■ Add a new restricted discretionary activity:</p> <p>4.4.3 (f) Restricted Discretionary Activities</p> <p><u>Earthworks within the National Grid Yard that exceed a depth of 300mm within 12m of any National Grid support structure foundation.</u></p> <p><u>Provided that, the following are exempt from points (a) above:</u></p> <ul style="list-style-type: none"> <li><u>Earthworks for a Network Utility within a transport corridor, as part of a transmission activity, or for electricity infrastructure; or</u></li> <li><u>Earthworks undertaken as part of repair, sealing or resealing of a road, footpath or driveway</u></li> <li><u>Vertical holes not exceeding 500mm in diameter are exempt provided they:</u> <ul style="list-style-type: none"> <li><u>i) more than 1.5m from the outer edge of pole support structure or stay wire; or</u></li> <li><u>ii) are a post hole for a farm fence or horticulture structure and more than 5m from the visible outer edge of a tower support structure foundation</u></li> </ul> </li> </ul> <p>■ Add a new non-complying activity (4.4.5(e)):</p> <p>(d) <u>Earthworks within the National Grid Yard that</u></p> <ul style="list-style-type: none"> <li><u>(i) compromise the stability of a National Grid support structure;</u></li> <li><u>(ii) result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.</u></li> </ul>
Chapter 10 – Natural Environment			
New Policy recognising existing network utilities in Natural Areas	Oppose	<p>While the rule framework contemplates network utilities in the Natural Environment, the policy framework appears not to. Transpower considers the policy framework should recognise that network utilities are located in Natural Areas, and that new network utilities, such as the National Grid, sometimes have a functional and locational need to be located in Natural Areas.</p>	<p>■ Add two new policies to the Natural Area Chapter:</p> <p><u>10.3.X Recognise that some network utilities have a functional and locational need to be located in the district's Natural Areas, including riparian margins and river environments and that their continued operation and maintenance is a functional</u></p>



<i>Refer submission 7 PC45</i>		<i>requirement.</i>	
Rule 10.6.1 (b)(i) Riparian Margins Permitted Activities	Support	The National Grid crosses the Wanganui River and there are towers with 20 metres of the river. The National Grid is an existing feature of that landscape, and its operation, maintenance and upgrading needs to be provided for as required by the NPSET (Policy 2 and 5). Proposed Rule 10.6.1(b)(i) as currently worded enables this essential work.	■ Retain Rule 10.6.1 (b)(i)
Rule 10.9.1(a)(i) Protected Trees	Support with amendment	Transpower considers that the trimming of protected trees which compromise the efficient operation and access to the National Grid should be enabled as a permitted activity to give effect to NPSET Policy 2. Transpower is of the opinion that the size of the branch is irrelevant, rather it is the risk for the branch to compromise the operation of, and access to, the asset.	<ul style="list-style-type: none"> <li>■ Amend Permitted Activity Rule 10.9.1(a)(i):</li> </ul> <p>The following are permitted activities throughout the District:</p> <p>(a) Minor <u>trimming and</u> maintenance to any protected tree. This is limited to:</p> <p>i) <u>trimming and</u> clearance of foliage or branches no greater than 100mm in diameter from existing utility networks which <u>have the potential to compromise the operation of the network utility (or access to)</u>, street lights or land boundary encroachments that does not alter the shape or health of the tree.</p>
<b>Chapter 14 - Earthworks</b>			
Issue 14.1.1. Poorly managed earthworks	Support with amendments	Poorly managed earthworks in close proximity to National Grid infrastructure could potential compromise the safe and efficient operation of the National Grid, as well as pose a health and safety risk to the person(s) undertaking those earthworks. Inappropriate earthworks may compromise support structures and filling for example may reduce line clearances to unsafe distances. Protection of the National Grid in this context is a requirement of Policies 10 and 11 of the NPSET.	<ul style="list-style-type: none"> <li>■ Amend Issue 14.1.1. Poorly managed earthworks to include:</li> </ul> <p>Poorly managed earthworks can create a range of adverse effects on amenity values, the physical environment, <u>National and Regional significant infrastructure such as the National Grid</u> and cultural values.</p>
Objective 14.2.1 Quality earthworks development	Support with amendments		<ul style="list-style-type: none"> <li>■ Amend Objective 14.2.1 Quality earthworks development to include:</li> </ul> <p>Earthworks and land modification in Wanganui that:</p> <p>(a) Maintains or enhances:</p> <p>.....</p> <p>vi) <u>The structural stability of infrastructure and the ability for that infrastructure to safely operate and be maintained and .....</u></p>
Policy 14.3.2 Effects of earthworks	Support		<ul style="list-style-type: none"> <li>■ Retain Policy 14.3.2.</li> </ul>
Rule 14.4.1. Permitted Activities Note	Support	Transpower supports the inclusion of the note advising District Plan users that they must comply with the Electrical Code of Practice for Electrical Safe Distances 34:2001.	<ul style="list-style-type: none"> <li>■ Retain the advice note.</li> <li>■ Add the following sentence to the advice note:</li> </ul> <p><u>Rules regulating earthworks in close proximity to the National Grid in the respective zone chapters apply to all activities in addition to these requirements.</u></p>
Rule 14.5 Performance Standards Earthworks	Oppose	Transpower considers it is unclear as to which rules (i.e. zone based or district-wide earthworks) take precedence and therefore determine activity status. Transpower has sought relief in the zone based provisions to apply an activity status commensurate with the nature of the earthworks in close proximity to the National Grid and seeks that these same activity statuses also apply to earthworks in close proximity to the National Grid..	<ul style="list-style-type: none"> <li>■ That the zone based rule activity statuses as sought in other relief apply to earthworks in close proximity to the National Grid (e.g. 4.5.10).</li> </ul>
<b>Chapter 16 Signs</b>			
Objective 16.2.2 Signs	Support with amendment	Signs have the potential to adversely affect the safe and effective operation and maintenance of the National Grid, if those signs are unsuitably sized and / or located / constructed inappropriately. Transpower seeks reference to regionally or nationally important infrastructure networks (as proposed	<ul style="list-style-type: none"> <li>■ Amend Objective 16.2.2</li> </ul> <p>That the safety and efficiency of the regionally and nationally important infrastructure networks, including footpath traffic is not adversely affected by signage causing distraction or physical or</p>

*Refer submission 7 PC42*



*Refer submission 7*  
*PC 42*

Policy 16.3.1 Signs	Support with amendment	to be included in proposed Network Utility Policy 22.3.2) be included to give effect to Policies 10 and 11 of the NPSET.	<p>visual obstruction.</p> <ul style="list-style-type: none"> <li>Amend Policy 16.3.1</li> </ul> <p>To enable signs to be erected where the safe and efficient operation of regionally and nationally important infrastructure networks including footpaths, is maintained.</p>
New non complying activity status	Oppose	Transpower seeks the inclusion of non-complying activity status for signs which may compromise the safe and efficient operation and maintenance of regionally and nationally important infrastructure networks, and specifically the National Grid. This will give effect to Policies 10 and 11 of the NPSET.	<ul style="list-style-type: none"> <li>Add a new non complying activity status:</li> </ul> <p><i>The erection or construction of a sign exceeding 2.5m in height, including its support structure, is a non-complying activity if:</i></p> <ol style="list-style-type: none"> <li><i>it is erected or constructed within the National Grid Yard, or</i></li> <li><i>restricts or prevents access to a National Grid asset.</i></li> </ol>

*PC43*

#### Relocated Buildings and Temporary Military Training Activities

19.4 Rules for Relocated Buildings	Support	<p>Transpower supports the need for relocated buildings (including temporary) to comply with the underlying zone based rules. Relocated buildings have the potential to adversely affect the operation and maintenance of the National Grid and need to be considered in this context, as provided for in the zone based rules.</p> <p>Transpower considers it is unclear as to which rules (i.e. zone based or district-wide earthworks) take precedence and determine activity status, but considers the zone based rules should determine this.</p>	<ul style="list-style-type: none"> <li>Retain the following sentence under 19.4</li> </ul> <p>All activities shall comply with the Performance Standards within this chapter and the underlying zone, overlay as well as other relevant chapters.</p> <ul style="list-style-type: none"> <li>Seek clarification that it is the zone based rules which take precedence and determine activity status.</li> </ul>
Rule 19.6 Rules for temporary military training activities	Oppose	<p>Transpower does not wish to hinder the establishment and operation of Defence activities but seeks confirmation that the land on which defence related activities will be undertaken is not traversed by National Grid Infrastructure. However, when structures or earthworks (either temporary or permanent) occur within close proximity to the National Grid, there is the potential for its safe and efficient operation to be compromised. Therefore, on a precautionary and interim basis, Transpower seeks that the zone based earthworks and structures provisions in which National Grid infrastructure are located is referenced as being applicable. This will give effect to Policies 10 and 11 of the NPSET.</p> <p>Transpower considers it is unclear as to which rules (i.e. zone based or chapter rules) take precedence and determine activity status, but considers the zone based rules should determine this.</p>	<ul style="list-style-type: none"> <li>Amend the first sentence under the rule heading:</li> </ul> <p>Temporary Military Training Activities are not required to comply with the requirements of any other part of the Plan except earthworks and permanent structures which are subject to the zone rules.</p> <ul style="list-style-type: none"> <li>Seek clarification that it is the zone based rules which take precedence and determine activity status.</li> </ul>

#### Financial Contributions

*Refer submission 2*  
*PC40*

General	Neutral	<p>Transpower believes a clear statement should be included in the plan change provisions to the extent that the development of public infrastructure, such as the National Grid, is not liable for financial contributions.</p> <p>In the past Transpower has had to defend this position at consent hearings, unnecessarily costing both time and money to clarify.</p> <p>Transpower is happy to provide further clarity on this issue should it be required.</p>	<ul style="list-style-type: none"> <li>Add a statement to the effect that the development of public infrastructure is not subject to financial contributions.</li> </ul>
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#### Chapter 22 - Network utilities

Introductory text, first paragraph	Support	Transpower supports the approach of including network utility related infrastructure provisions in a stand-alone chapter.	<ul style="list-style-type: none"> <li>Retain the sentence:</li> </ul> <p>The objectives, policies and rules in this chapter apply across the District. They are grouped together to prevent repetition throughout the Plan.</p>
Introductory text, third paragraph	Support	<p>Transpower seeks the inclusion of additional text to better reflect the nature of Transpower's activities without compromising its application to other utilities.</p> <p>Transpower supports recognition that there may be technical, operational and locational constraints on infrastructure (Policy 2 of the NPSET). Transpower seeks additional text to better align with Policy 4, and in particular the extent to which the route, site or method selection process has avoided, remedied or mitigated adverse effects.</p>	<ul style="list-style-type: none"> <li>Amend the text as follows:</li> </ul> <p>Although these network utility operations, improvements and maintenance, <u>upgrading and development</u> can have adverse effects on the environment, it is recognised in the Plan that due to their technical, locational and operational constraints it might not be possible or practicable to avoid, remedy or mitigate all adverse effects of network utilities. In such circumstances there is a need to carefully consider both the benefits that the network utility will provide to the district (<u>and beyond</u>), the extent to which any adverse effects have been avoided remedied or mitigated by</p>

*Refer submission 3*  
*PC 44*



## Resource Management Act 1991

**Submission on a Publicly Notified Plan Change to the Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003

**To:** Wanganui District Council  
PO Box 637  
Wanganui

**Name:** Horizons Regional Council

**Contact Person:** Lisa Thomas, Coordinator District Advice

Thank you for the opportunity to make a submission on Proposed Plan Changes 40-45 to the Wanganui District Plan.

1. We **could not** gain an advantage in trade competition through this submission.
  2. The specific provisions of the proposed plan change that our submission relates to are outlined below.
  3. Our submission points are detailed below.
  4. The decisions sought from Wanganui District Council are detailed below.
  5. We **do** wish to be heard in support of this submission.
  6. We would welcome any opportunity to attend informal or formal pre-hearing meetings with Wanganui District Council and other parties to discuss points of contention.
  7. If others make a similar submission we **would** be prepared to consider presenting a joint case with them to any hearing.
  8. **Address for Service:** Horizons Regional Council  
Private Bag 11025  
Palmerston North
- Day time phone No:** (06) 9522 908
- Email:** lisa.thomas@horizons.govt.nz

Signed:

  
\_\_\_\_\_  
Lisa Thomas  
**COORDINATOR DISTRICT ADVICE**

Dated: 29 June 2015



## Background

1. The following submission focuses principally on the relationship between Horizons' One Plan (combined regional policy statement and regional plans) and the need for the District Plan to give effect to the regional policy statement components and not be inconsistent with regional plan provisions, as set out in section 75 of the Resource Management Act 1991 (RMA). The One Plan became fully operative on 19 December 2014. All references to the One Plan in this submission are to the operative version of the Plan.
2. Horizons' submission specifically relates to Proposed Plan Changes 43 (District Wide Provisions), 44 (Network utilities, parking, loading and vehicle crossing provisions) and 45 (Natural Environment Provisions). We do not wish to make any comments in respect of Proposed Plan Changes 40, 41 or 42.
3. HRC supports the intent of Proposed Plan Changes 43-45. The points identified in this submission are intended to provide support for the approaches taken in Proposed Plan Changes 43-45 and where appropriate seek amendments to clarify and make the provisions more certain.

## Proposed Plan Change 43 (PPC 43) – District Wide Provisions

### Earthworks

4. Horizons supports the inclusion of Note 1 under Rule 14.4 which advises plan users that *"The Manawatu-Wanganui Regional Council should be consulted regarding any activity which results in disturbance to land to identify any Regional Council requirements."*
5. This advice note gives plan users a clear indication that Horizons also has a role in managing the effects of land disturbance and vegetation clearance.

### **Decision Sought**

- That the advice note under Rule 14.4 be retained as drafted in PPC 43.

### Discharges

6. Horizons supports the inclusion of a note below Rule 14.4.2 which states that "All discharges must meet the requirements of the Regional Council, including any relevant conditions of any applicable consent."
7. Discharges to land and water are managed by the Regional Council in Chapter 14 of the One Plan. The discharge of clean-fill is often associated with earthworks activities and is specifically managed by One Plan Rule 14-21.
8. Horizons considers that the proposed inclusion of this note provides greater certainty to plan users and ensures that adequate consideration will be given to the requirements of the One Plan.



**Decision Sought**

- That the advice note under Rule 14.4.2 be retained as drafted in PPC 43.

Glossary

9. The proposed definition of “vegetation clearance” in PPC 43 specifically excludes clearance of tracks that are for use by foot traffic only. This differs from the definition of vegetation clearance in the One Plan, which includes vegetation clearance that is associated with the formation of new tracks, but specifically excludes *“the maintenance or upgrade of existing tracks...”*
10. Performance Standard 4.7.11 for the Coastal Residential Zone (Earthworks and Vegetation Clearance) includes a note that *“Additional consents may also be required from the regional council for earthworks and vegetation clearance.”* While the differences in the definitions of vegetation clearance between the One Plan and Wanganui District Plan may create some confusion for plan users, we are satisfied that the proposed inclusion of advice notes in the Proposed Plan Changes should be sufficient to ensure that the Regional Council requirements will be given adequate consideration.

**Decision Sought**

- That the advice note under Performance Standard 4.7.11 be retained as drafted in PPC 43.
- That any necessary consequential amendments be made to ensure that the advice note under Performance Standard 4.7.11 is repeated wherever the District Plan references earthworks and vegetation clearance.

Temporary Military Training Activities

11. Horizons supports the inclusion of a note under the header of Rule 19.6 which notes that *“Temporary Military Training Activities are not required to comply with the requirements of any other part of the Plan except earthworks and permanent structures which are subject to the zone rules.”*
12. Horizons supports the approach of Plan Change 43 to generally provide for temporary military training activities. As earthworks and permanent structures have the potential to create adverse environmental effects Horizons supports the intent of this rule to ensure that these matters are subject to assessment under the relevant zone rules.

**Decision Sought**

- That the advice note under Rule 19.6 be retained as drafted in PPC 43.

**Submission on Wanganui District Plan Review – Proposed Plan Change 43**

Wanganui District Council  
101 Guyton Street  
**Wanganui 4540**

**Email:** wdc@wanganui.govt.nz

**Submission on:** Wanganui District Plan Review – Proposed Plan Change 43

**Name:** House Movers Section of New Zealand Heavy Haulage Association (Inc), Britton Housemovers Ltd, and Central Housemovers Ltd (together referred to as “House Movers”)

**Address:** House Movers Section of New Zealand Heavy Haulage Association (Inc)  
C/- Stuart Ryan  
P.O. Box 1296  
Shortland Street  
**Auckland 1140**

**Introduction**

1. The House Movers Section of the New Zealand Heavy Haulage Association (Inc) represents firms and individuals engaged in building removal and relocation throughout New Zealand. Britton Housemovers Ltd, and Central Housemovers Ltd are members of the Association. The members and the Association are together referred to as “House Movers”
2. There are several aspects to the shifting of buildings, including removal (off a site), relocation (onto a site), and re-siting (within a site).
3. The House Movers wish to ensure that regulatory controls through District Plans properly reflect the purpose and intentions of resource management legislation as expressed in the decision of the Environment Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding). In this decision the Environment Court held that there was no real difference in effect and amenity value terms between the in situ construction of a new dwelling and relocation of a second-hand dwelling, subject to appropriate permitted activity performance standards.
4. Where new buildings are a permitted activity, so too should relocated buildings.

**The provisions which this submission relates to are:**

5. All provisions (including objectives, policies, rules, assessment criteria, methods and reasons) regulating the removal, re-siting, and relocation of buildings.

**Reasons for submissions - removal, re-siting, and relocation of dwellings and buildings:**

6. Proposed Plan Change 43 classifies relocated buildings as a permitted activity provided that they comply with Chapter 19 of the District Plan. Rule 19.5.1 provides performance standards for relocated buildings. Rule 19.4.2(a) provides that relocated buildings that do not meet the performance standards are a restricted discretionary activity. Discretion is

**Submission on Wanganui District Plan Review – Proposed Plan Change 43**

House Movers Section of New Zealand Heavy Haulage Association (Inc)

restricted to the effect of the particular non-compliance on the environment, including the cumulative or combined effect of non-compliances.

7. This regulatory arrangement reflects the Environment Court's decision in *Central Otago* and is generally supported by the submitter. Minor amendment is sought to the proposed performance standards to improve workability. The submitter also seeks that the restricted discretionary default activity status be expressly on a non-notified basis.
8. Removal and re-siting of buildings are not activities expressly regulated by the District Plan. It is understood that these activities are intended to be permitted activities. However the application of default activity statuses is uncertain. The submitter seeks that these activities are expressly listed as permitted activities and appropriate definitions are provided.
9. It is submitted that regulation of removal, re-siting, and relocation of buildings as permitted activities meets the aims of the Resource Management Act, in particular:
  - a. The classification of removal, re-siting, and relocation of buildings as permitted activities is consistent with sustaining the potential of natural and physical resources of the district in accordance with Section 5 RMA, and Part 2 of the Act generally.
  - b. It is consistent with sustainable management to provide for removal, re-siting, and relocation of buildings with equivalent activity status as for new buildings.
  - c. Relocation of buildings is an affordable housing/construction option, and consistent with sustainable management by providing for the recycling and reuse of materials which would otherwise go to landfill. Activity classification should take into account the positive effects from activities.
  - d. In practical terms, any potential adverse effect on amenity values from building relocation is remedied after an initial establishment period.
  - e. The proposed plan applies the decision of the Environment Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding). The submitter pleads the reasons given by the Court as if set out herein.
10. It is further submitted that:
  - a. People relocating buildings should confirm the date of relocation not less than 48 hours before relocation occurs. It is difficult to confirm dates with precision until close to the actual relocation.
  - b. Relocated buildings that default to restricted discretionary status due to non-compliance with performance standards should be expressly on a non-notified basis. The potential effects of relocation are such they can be appropriately evaluated by council without public input.
  - c. Re-siting and removal of buildings should be expressly provided for as permitted activities to avoid any uncertainty as to the application of default activity statuses.

**Relief - the following decisions are sought on removal, re-siting, and relocation of dwellings and buildings**

11. Provide for relocation, re-siting and removal of buildings as permitted activities in all zones in the District.

**Submission on Wanganui District Plan Review – Proposed Plan Change 43**

House Movers Section of New Zealand Heavy Haulage Association (Inc)

12. Amend performance standard 19.5.1(d) to read (or to the same or similar effect):

*The owner of the site that the building is to be located onto shall certify that the reinstatement work will be completed within the nine month period and confirm the date of the proposed relocation not less than 48 hours before relocation occurs.*

13. In the event that relocated buildings are a restricted discretionary activity under rule 19.4.2(a) include a rule that such applications will be processed non-notified.
14. Expressly provide for the *demolition* and *removal* and *re-siting* of buildings as a permitted activity in all areas and zones, except in relation to any scheduled identified heritage buildings, or any properly established conservation heritage precinct.
15. Any further or consequential relief that gives effect to the reasons for the submission.
16. A suggested pre-inspection report (as a non-statutory form) is attached as **Schedule 1**.

**Conclusion**

17. The House Movers **do** wish to be heard in support of these submissions.
18. If others are making a similar submission, the House Movers would be prepared to consider presenting a joint case with them at any hearing.

**Dated:** 30 June 2015

**House Movers Section of New Zealand Heavy Haulage Association (Inc)**

by its counsel:



..... R H Ashton

**Address for Service:**

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**Submission on Wanganui District Plan Review – Proposed Plan Change 43**  
House Movers Section of New Zealand Heavy Haulage Association (Inc)

**Schedule 1 – Suggested Pre-inspection Report**



## Building Pre-Inspection Report for Relocation

*New Location Address  
Region*

For: *Council Name*

*Date of report*

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**APPENDICES****APPENDIX A – PHOTOGRAPHS**



## 1.0 GENERAL INFORMATION

### 1.1 Introduction

This Building Pre-Inspection report accurately records the external condition of the *dwelling house/garage/ancillary building* to be relocated and to establish all reinstatement works required to the exterior of the building after relocation to a workmanlike standard and to achieve a tidy appearance to meet requirements of the District Plan .

Limited inspection of the interior has been undertaken for the purpose of the Report.

The Report confirms whether the building is considered Safe and Sanitary.

The Report also identifies site-specific requirements including but not limited to the requirement for; the construction of the new foundations, new retaining walls, service connections, water and sewerage treatment (if applicable).

The Report must be read in conjunction with the condition table and photographs provided, which assist in providing a representation of the condition of the premises prior to the commencement of the relocation.

The Report has been prepared by *Name* of *Company Name* as per our instruction/agreement dated \_\_\_\_\_ on behalf of our clients *Name*

### 1.2 Applicants Contact Details

Applicant:	<i>Applicant (clients) name</i>
Contact address:	<i>Contact address</i>
Telephone:	
Email:	
Any Additional information:	

Agent:	<i>Authorised agent</i>
Contact address:	<i>Contact address</i>
Telephone:	
Email:	
Any Additional information:	

**1.3 Building details**

Type of building	<i>Dwelling house, garage, ancillary building</i>
Approximate age of building:	<i>Provide date range i.e. 1940-1950</i>
Brief Description:	<i>Number of storeys, approximate size, roof, walls, floor construction, additional features</i>
Proposed site address:	<i>Address of the intended site of the relocated building</i>
Site address where the building was inspected:	<i>Address...</i>
Proposed Use of Building	<i>Dwelling house, residential garage, ancillary</i>
Previous Use of the Building	<i>Relocated building must have been previously designed, built and used as a dwelling (Except previously used garage and ancillary buildings)</i>
Inspection Dates & Weather:	<i>Date and weather at the time of inspection</i>
Inspection by:	<i>Name of inspector</i>
Other persons present:	<i>Name of other parties present</i>
Building Consent Status	<i>Has Building Consent documentation been prepared for the relocation works.</i>

#### 1.4 Reporting Conditions

This Report has been prepared under the following conditions of engagement:

- The survey is based on a visual inspection only; therefore it is not possible to guarantee that all concealed areas containing defects will be accessible (floor voids, roof voids, etc). No intrusive investigation will therefore be undertaken.
- Signs of water ingress will be searched for during the completion of the survey, however the Report cannot warrant that the building is free from water penetration, from defective roofing, cladding, rainwater goods, rising damp or the like unless evident at the time of our visual survey.
- Only areas where safe access is possible have been inspected.
- The Report is provided for the use of the client identified in section 1.1 and the council and may not be used by others without written permission. The writer of this report accepts no liability to third parties who may act on the report.
- This Report must be read in conjunction with photograph and condition tables provided.
- This Report is for the purposes of the District Plan. The Report also requires a safe and sanitary declaration for the purposes of the Building Act 2004.

#### 1.5 Exclusions

This report **does not** include comment about the following:

- a) The structure of the building unless otherwise commented upon;
- b) The surrounding neighbourhood;
- c) The value of the property;
- d) Illegal Works; and
- e) Internal condition of the building unless otherwise commented upon.

Additionally, no search has been made of:

- f) Local Authority rates;
- g) Government Valuation; or
- h) LIM or PIM reports.

#### 1.6 Definitions

The following defines the condition comments of the elements surveyed:

- Good: Items that have suffered minimal weathering, wear or decay and are free from any visual defects.
- Reasonable: Items that have worn through 'normal' use and weathering, and is in commensurate condition to the building age and use.
- Poor: Items that are worn, decayed or weathered either due to the age, abnormal use or lack of maintenance.



**1.7 Areas Accessed**



*Example:*

*The external envelope of the subject building viewed from ground floor level and where safely accessed by ladder from ground level.*



*Internally, our inspection was limited to those parts of the buildings that could be safely accessed and a head and shoulders inspection of the roof space.*

*Access was gained into the subfloor space....*

## 2.0 MANDATORY CONDITION TABLE

RMA 1991 – Mandatory External Reinstatement					
Item	Construction Element	Description	Condition	Required Upgrades & Comments	Photograph
1	Roof	<i>Corrugated iron/fibre cement sheet, concrete tile, metal tile, butynol membrane, other</i>	<i>Good/Reasonable/ Poor</i>	<i>None/ Repaint/ Re-roof etc</i>	 <p><i>Insert multiple photographs if/as required under any of the below sub-headings.</i></p>
2	Spouting and Downpipes	<i>PVC, metal, butynol membrane, other</i>	<i>Good/Reasonable/ Poor</i>	<i>None/ Repaint/ Replace etc</i>  <i>Example: Repair all timber fascias, barge as well as rainwater goods to ensure surface moisture discharges into new Council approved outlet at new site location.</i>	

## 2.0 MANDATORY CONDITION TABLE

RMA 1991 – Mandatory External Reinstatement					
Item	Construction Element	Description	Condition	Required Upgrades & Comments	Photograph
3	Wall Cladding	<i>Fibre cement weatherboard/sheet, timber weatherboard, Board and batten, metal sidings, other</i>	<i>Good/Reasonable/ Poor</i>	<i>None/ Repaint/ Replace etc</i>	
4	Foundation cladding	<i>NA</i>	<i>NA</i>	<i>Foundation cladding is to be installed as specified in the Building Consent</i>	
5	Window and Door Joinery	<i>Powder coated aluminium, timber, steel, single glazed, double glazed</i>	<i>Good/Reasonable/ Poor</i>	<i>None/ Install new joinery/Repair and redecorate existing joinery</i>  <i>Example: Repair and repaint window and door joinery. Replace all broken glass immediately after relocation.</i>	



### 3.0 BUILDING ACT REQUIREMENTS

This Report is for purposes required by the District Plan. It is not a report to address matters required by the Building Act.

A building consent is required for the relocation of this building and all subsequent works as a consequence. The building work must be designed and undertaken by Licensed Building Practitioners with the appropriate category of licence (certain homeowner exemptions may apply). This Pre-inspection Report must be submitted to council with an application for building consent.

The building consent documents must be provided to council along with the appropriate fees and proof of ownership (Certificate of Title less than 3 months old or sale and purchase agreement for the proposed site).

The site specifics must be appropriately designed to include foundations, considering, layout, sizing, position, bracing, ventilation, access etc.

### 4.1 SAFE AND SANITARY

*Comment is required.*

*Building Surveyor MUST give a declaration regarding whether the building is/isn't Safe and Sanitary.*

*Note:*

*If the building is not considered safe and sanitary then give reasons. (example: evidence of leaky building)*

### 4.2 HEALTH & SAFETY

Set out below is a description of the health and safety concerns identified.

*Example:*

*Building materials identified are suspected to contain asbestos. This includes, but not limited to fibre cement claddings, vinyl flooring and soffit linings. Asbestos is relatively safe when encapsulated, but is dangerous to health when fibres become air borne. This can occur when the building materials are damaged or become degraded.*

*No specialist laboratory testing has been carried out to confirm the presence or absence of asbestos or any other material hazardous to health. All comments are based upon a visual inspection only.*

*It is recommended that a specialist asbestos surveyor be instructed to identify the risks present.*

## 5.0 ESTIMATE OF COSTS OF EXTERNAL REINSTATEMENT WORKS

The estimate of costs of external reinstatement works is the sum of [ *to insert* ]

*Note:*

*Allow a contingency sum for any damage in transit*

*"Reinstatement Works" means the extent of the work required to the exterior of the Relocated Building as specified in the Building Pre-Inspection Report for the purposes of the District Plan. The exterior reinstatement works will not include matters regulated by the building legislation or connection to foundations; but may include matters required by the District Plan for work to be undertaken and completed to the exterior of the building to a workmanlike standard and to achieve a tidy appearance, including, without limitation:*

- (a) Repair of broken windows and window frames;*
- (b) Repair of rotten weatherboards or other damaged wall cladding;*
- (c) Necessary replacement or repair of roof materials;*
- (d) Cleaning and/or painting of the exterior where necessary e.g. roof, walls, window frames etc;*
- (e) Repair of transit damage; and/or*
- (f) Replacement and painting of baseboards or other foundation cladding.*

6.0 BUILDING SURVEYORS SIGNATURE

I, certify that the information provided is true and correct and that the building described above appears to have applied with the relevant Building Regulations at the time of its construction, and (if a dwelling) the building has been previously designed, built and used as a dwelling (Except previously used garage and ancillary buildings).

Author

Peer Reviewer

Signed:

*If undertaken/available*

Qualifications *LBP Category, BOINZ, RICS, NZIBS, ANZIA etc*

For and On Behalf of *Company Name*

Address

*Inspectors business address*

Telephone

*Telephone business number*

Email

*Email business address*

7.0 OWNER CERTIFICATE AND DECLARATION

As a requirement of the [insert council name] District Plan/Resource Consent, I/we \_\_\_\_\_ CERTIFY that I/we will ensure that within 12 months from the building being delivered to site the buildings external reinstatement, insulation, heating, infrastructure, closing in, ventilation of foundations, and connections to services (mains or private) will be completed.

I acknowledge that failure to complete any mandatory work identified in 2.0 'Mandatory Condition Table' relating to the reinstatement of the building may lead to council taking action under the terms of the Relocated Buildings Bond and/or enforcement action under the Building Act 2004, or Resource Management Act 1991, including by way of a notice to fix, infringement notice, abatement notice, enforcement order, or prosecution.

Signed:..... (PRINT).....

Owner


Signed:..... (PRINT).....

Owner

Signed:..... (PRINT).....

Owner



		
<i>Elevation description i.e. Front Elevation</i>	<i>Elevation description i.e. Rear Elevation</i>	<i>Elevation description</i>
<i>Elevation description</i>	<i>Elevation description</i>	<i>Elevation description</i>

<i>Elevation description</i>	<i>Elevation description</i>	<i>Elevation description</i>
<i>Elevation description</i>	<i>Elevation description</i>	<i>Elevation description</i>

Additional Comments and Notes





Resource Management Act 1991  
**Submission on a Publicly Notified Plan Change  
 To The Wanganui District Plan**

In accordance with Form 5 – RM (Forms, Fees and Procedure) Regulations 2003



**TO:** Wanganui District Council, PO Box 637, Wanganui

**Name:** (print in full) Wanganui District Council

**This is a submission on Plan Change No.** 40-45 **Closing Date:** 30/06/2015

1. (a) I ~~could~~/could not\* gain an advantage in trade competition through this submission. (\*please delete one).
- (b) I ~~am~~/am not\* directly affected by an effect of the subject matter of the submission that adversely affects the environment; and does not relate to trade competition or the effects of trade competition (\*please delete one).

2. The specific provisions of the proposed plan change that my submission relates to:

See Attached

Use additional pages if required

3. My submission is that (Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made. Please give your reasons):

See attached

Use additional pages if required

4. I seek the following decision from the Council (Give clear details stating what amendments you wish to see made to the Plan Change, and your reasons):

See attached.

Use additional pages if required

5. I **do/do not**\* wish to be heard in support of this submission (\*please delete one).

6. If others make a similar submission I **would/would not**\* be prepared to consider presenting a joint case with them at any hearing (\*please delete one).

**7. Address for service:**

PO Box 637

Wanganui 4500

**Signature:**

[Signature]

(Person making submission or person authorised to sign on

**Day time phone No:** (06) 349 0001

behalf of person making submission)

**Email:**

**Date:**

30/06/2015

Wanganui District Council  
Staff Submission

This is a submission on Plan Changes **40-45**. Closing Date 30 June 2015

The Specific Provisions of the Plan Changes that this submission relates to is:

Plan Change 41: Combining of the Noise Sensitivity Definitions

Plan Change 42: Adjustment of the footpath sign rule to match the proposed By-law

Plan Change 43: Inclusion of General Temporary Activities to Chapter 19

Plan Changes 40-45: Minor administrative corrections to be consistent with the operative text.

My submissions is that: The Plan Changes proceed with minor amendments as detailed below.

I seek the following decisions from Council:

*Plan Change 41: Combining of the Noise Sensitivity Definitions*

*Refer to submission 18 PC41*

Each Phase of the rolling review has brought in a new definition to define those activities that are sensitive to noise. As all these definitions cover the same activities, but with slightly different names, it is proposed that these are combined into one definition and that definition is used throughout the plan to describe activities that are sensitive to noise.

The definitions that would be affected are:

**Activities sensitive to aircraft noise (ASAN):** means any residential activity, visitor accommodation, retirement villages, day care facility, buildings used for overnight patient medical care or educational facility (including all associated outdoor spaces for such activities).

**Noise Sensitive Activities:** means buildings or parts of buildings used for, or able to be used for the following purposes:

- Residential activity; or
- Educational activity; or
- Healthcare activity; or
- Marae activity.

The new definition would be:

**Sensitive Noise Activities:** means buildings or parts of buildings used for, or able to be used for the following purposes:

- Residential activity; or
- Community activities; or
- Marae activity.

This new definition would need to be used throughout the chapters of the Plan that currently refer to the definitions above.



- *Plan Change 42: Adjustment of the footpath sign rule to match the proposed By-law*

*Refer to submission 8 PC42*

The proposed Signage by-law has the following provisions in relation to footpath signs:

17.2 Any Sign displayed on the Footpath must:

- c. Be displayed so as to retain a clear pedestrian, mobility scooter, wheelchair or pram access way along the Footpath;

It is recommended that the District Plan rule is amended to read the same. It currently reads:

16.5.4(a) Footpath signs that are permitted must comply with the following:

- iii. be displayed so as to retain a clear access for mobility scooters, wheelchairs, prams and pedestrians along the Footpath;

Having the wording the same will prevent conflict between the rules and make enforcement easier.

*PC 43*

- *Plan Change 43: Inclusion of General Temporary Activities to Chapter 19*

Most plans have a clear reference of what a temporary activity is. The District Plan references temporary events, temporary relocatable buildings, temporary construction signs and temporary military training activities. It also allows the following in the Riverfront Zone:

Rule 5.7.6(d) Market activities ancillary to temporary activities such as sporting recreational, entertainment, cultural or similar events and outdoor gatherings, with prior approval of the territorial authority, are not subject to standards (a) and (b) above.

Therefore it is reasonable to create a general provision for these activities and others that can occur, but due to their duration have not been a cause for complaint. The following is recommended:

Definition:

**Temporary Activities** means any activity undertaken for a short term duration not exceeding 3 days within a calendar year, either as an isolated event, or as a series of events, where the cumulative period of operation is generally less than one month, and which is limited to attendance or capacity of no more than 1000 persons where the activity is undertaken on a site, including any gala, sport event, festival or other community activity and does not result in any permanent structures.

#### 19.6 Rules for Temporary Activities

All activities shall comply with the Performance Standards within this chapter and the underlying zone, overlay as well as other relevant chapters.



#### 19.6.1 Permitted Activities.

The following are permitted activities throughout the District.

##### a. Temporary Activities

#### 19.5 PERFORMANCE STANDARDS – Temporary Activities

##### 19.5.1 Temporary Activities.

All Temporary Activities shall comply with the following:

- a) Activities incidental to construction or demolition:
  - i) Shall comply with construction noise standard NZS6803:1999 and Chapter 14 (Earthworks)
  - ii) All demolition materials and debris shall be removed from the site within two months of the demolition being completed.
- b) Sporting events, public meetings, galas, market days, and other recreational and festive events:
  - i) Hours of operation 7am - 10pm.
  - ii) Duration: not exceeding two days.
- c) All temporary activities shall comply with Chapter 17 (Noise)
  - *Plan Changes 40-45: Minor administrative corrections to be consistent with the operative text.*

As the marked up text for this Phase of the District Plan review was published before the reformatting of the operative District Plan, there are several numbering errors between the two versions. It is recommended that the numbering of the marked up text is amended to match the operative District Plan provisions.



Property Group  
National Service Centre  
Alexander Road  
Private Bag 902  
Trentham  
Upper Hutt 5140, New Zealand

## Submission on Wanganui District Plan Proposed Plan Changes 41 and 43

*Clause 6 of First Schedule, Resource Management Act 1991*

**To:** Wanganui District Council  
**Address:** PO Box 637  
101 Guyton Street  
Wanganui  
**Email:** [Leayne.huirua@wanganui.govt.nz](mailto:Leayne.huirua@wanganui.govt.nz)  
**Submitter:** New Zealand Defence Force  
**Contact Person:** Rob Owen, Environmental Manager  
**Address for Service:** New Zealand Defence Force  
C/- Property Group  
Private Bag 902  
Upper Hutt 5140  
**Phone:** 04 587 2006  
**Fax:** 04 587 2023  
**Email:** [Robert.owen@nzdf.mil.nz](mailto:Robert.owen@nzdf.mil.nz)

### INTRODUCTION

The New Zealand Defence Force (NZDF) has military interests throughout New Zealand. Defence facilities are key strategic infrastructure of national and regional importance, playing a significant role in both military training and civil and/or national defence operations. They also play an important role in supporting search and rescue operations and infrastructure support capabilities (for example deployment of water purification and supply facilities as used in the aftermath of the Christchurch earthquakes).

NZDF currently has existing facilities located within the Wanganui District, namely Landguard Bluff, and the property at 20 Hatrick Place/Maria Place. In addition, NZDF undertakes temporary military training activities (TMTA) throughout New Zealand and from time to time may seek to undertake such activities within the Wanganui District. It is therefore necessary that activities undertaken for defence purposes are recognised and accommodated in the provisions of the plan.

NZDF's submission on Proposed Plan Changes 41 and 43 is set out below.

### PRELIMINARY MATTERS

New Zealand Defence Force (NZDF) **could not** gain an advantage in trade competition through this submission.

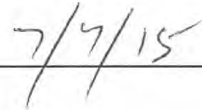
NZDF wishes **to be heard** in support of this submission.

If others make a similar submission, **NZDF will consider** presenting a joint case with them at the hearing.



\_\_\_\_\_  
Person authorised to sign  
on behalf of New Zealand Defence Force

Date





PC43

3	Definition of TMTA	Support	<p>Retain the definition of temporary military training activities as currently proposed.</p> <p><b>Temporary Military Training Activity:</b> means a temporary activity undertaken for Defence Purposes. Defence Purposes are those in accordance with the Defence Act 1990. The Defence Act also enables access to Defence areas, which includes areas utilised for temporary military training activities, to be restricted.</p>	This definition is considered appropriate.
4	Section 3: Rural Environment – Objective 3.2.2  PC44 sub 10	Support	That Objective 3.1 is retained as currently proposed.	This objective appropriately recognises that some activities have a functional necessity to be located within the rural environment and their ongoing operation needs to be provided for and protected, including from reverse sensitivity effects.
5	Permitted Activity Rule 10.6.1  PC45 sub 9	Oppose	Amend rule to clarify its application.	The activities provided for as permitted activities are very restrictive. It is not clear if this rule applies on the waterway also (similar to the preceding rule). Also there are a broad range of activities that could be undertaken within the river margin that would result in negligible effects, however it is not clear if these are provided for.
6	Permitted activity status of TMTA in the various zones (and structure of the District Plan)	Support in part	<p>While NZDF supports the permitted activity status of TMTA in all zones, a restructure of the rules is sought. Specifically to delete reference to TMTA in the Permitted Activities listed under each Chapter and instead provide for them comprehensively under Chapter 19.</p> <p>Note: this 'restructuring' should also be applied to other activities which are treated in a similar manner e.g. 'Relocated Buildings' and 'Network Utilities'.</p>	NZDF supports the provision for TMTA as permitted activities in the various zones, however the current provisions are confusing. TMTA are subject to the relevant permitted activity controls under the various chapters, but in the chapter on TMTA there is a specific clause excluding the application of controls other than earthworks and permanent structures. NZDF agrees that consolidating the requirements in Chapter 19 is appropriate, which appears to be the intended approach, as stated in the opening sentence of Chapter 19 - "The objectives, policies and rules in this chapter apply across the District. They are grouped together to prevent repetition throughout the Plan."

7	Chapter 19 section heading	Oppose in part	Amend to correct spelling.	Correction of typographical error in spelling of 'Temporary' is required.
9	Chapter 19 – first paragraph	Support in part	Retain the first paragraph of Chapter 19 but amend the wording to further clarify the application of the provisions within this Chapter as suggested below:  <i>The objectives, policies and rules in this chapter apply <u>in all zones and areas throughout across</u> the District. They are grouped together to prevent repetition throughout the Plan.</i>	This paragraph confirms the application of the provisions within the Plan and assists in Plan interpretation.
10	Chapter 19 structure	Oppose in part	Restructure Chapter 19 so the provisions for TMTA are grouped together and the provisions for Relocated Buildings are also grouped together.	This minor change is considered to improve the structure and legibility of the plan.
11	Policy 19.3.2.	Oppose	Amend the policy wording by deleting the text as follows (deleted text is shown struck through):  <i>To provide for temporary military training activities throughout the District <u>where adverse effects on amenity values are avoided, remedied or mitigated, except in proximity to a sensitive noise activity or on an identified outstanding natural landscape.</u></i>	NZDF has concerns regarding the apparent restriction on TMTA in proximity to a sensitive noise activity or on an identified outstanding natural landscape.  The very nature of TMTA is that they are temporary and do not result in permanent effects on sensitive noise activities. In addition, the noise standards requested by NZDF and included in the Proposed Plan require various setbacks from noise sensitive activities. NZDF considers this is sufficient and therefore the reference to noise sensitive activities in the current wording of Policy 19.3.2 is not necessary.  In relation to the outstanding natural landscape reference in the policy, the types of activities that NZDF undertakes as TMTA can vary widely, and generally do not result in significant or different effects to other activities that are undertaken in these areas, for example hunting, tramping, and other outdoor pursuits. For those areas under the control of the Department of Conservation, NZDF has an existing written agreement with DOC to undertake TMTA activities within DOC land nationwide, which protects these environments.

				The suggested relief sought set out above is consistent with NZDF's overall relief that TMTAs should be provided for as permitted activities throughout the district.
12	Chapter 19.6 Rules for TMTA	Support	Retain the opening statement as currently proposed. <i>Temporary Military Training Activities are not required to comply with the requirements of any other part of the Plan except earthworks and permanent structures which are subject to the zone rules.</i>	Considering the temporary nature of TMTA, it is appropriate that they are not required to comply with the requirements of other parts of the Plan except for earthworks and permanent buildings, as currently stated.
13	Rule 19.6.1	Support	Retain permitted activity Rule 19.6.1 as currently proposed.	It is appropriate that TMTA are provided for as permitted activities throughout the District subject to performance standards.
14	Rule 19.6.2	Oppose	Alter Rule 19.6.2 by changing the activity status from Restricted Discretionary back to Controlled.  Limit matters of control to noise related effects.  Reinstate the specific clause stating the written approval of affected persons will not be necessary and applications need not be notified.	Those activities that do not meet the permitted activity standards should be provided for as a controlled activity in all zones of the District Plan. NZDF must undertake training in order to fulfil its statutory obligations under the Defence Act. It therefore requires certainty that such activities can take place when required. Controlled activity status provides certainty to NZDF that an activity can proceed, and allows Council the control to ensure effects are appropriately managed. In determining what conditions to impose, Council should limit its control to effects relating to the permitted activity standards only (i.e. noise).
15	Performance Standard 19.7b	Oppose	That clause (b) be deleted.	The restriction of 31 days is considered arbitrary, and the effects of an activity occurring for 32 days for example would be similar to that of an activity occurring for 31 days. TMTAs are broad in nature, ranging from classroom based activities to large-scale practical exercises. While some TMTA have specific characteristics, the effects of many TMTA are the same or similar to a range of other day-to-day activities. A duration standard is therefore not necessary to control effects. In any case the activity has to be temporary by



				nature of its definition.
16	Performance Standard 19.7c	Support	That clause (c) be retained as currently proposed.	NZDF is pleased to see the requested standards have been incorporated into the Proposed Plan Change.
17	Policy 22.3.2 <i>PC44 Sub 10</i>	Support in part	<p>Alter the activities listed in this policy to include reference to defence facilities.</p> <p><i>22.3.2 To recognise the following infrastructure is of regional or national importance within the Wanganui District and the benefits derived from these activities:</i></p> <ul style="list-style-type: none"> <li><i>i. The national grid and electricity distribution, transmission networks and all associated substations and other works to convey electricity;</i></li> <li><i>ii. Pipelines and gas facilities used for the transmission and distribution of natural and manufactured gas;</i></li> <li><i>iii. The road and railway networks;</i></li> <li><i>iv. The Wanganui airport</i></li> <li><i>v. Telecommunication and radio communication facilities;</i></li> <li><i>vi. Public or community sewage treatment plants and associated reticulation and disposal systems;</i></li> <li><i>vii. Public water supply intakes, treatment plants and distribution systems;</i></li> <li><i>viii. Public or community drainage systems, including stormwater systems;</i></li> <li><i>ix. The Port of Wanganui.</i></li> <li><i>x. Defence facilities</i></li> </ul>	Defence facilities are essential to the nation's security and to the health and wellbeing of people and communities. On this basis they should be specifically included within Policy 22.3.2.
18	Policy 22.3.6	Support	<p>Retain Policy 22.3.6 as currently worded.</p> <p><i>Policy 22.3.6: Protect infrastructure facilities in the District from the adverse effects (including reverse sensitivity effects) of inappropriate land use, subdivision and development which compromises the operation, maintenance and upgrading of such infrastructure.</i></p>	Reverse sensitivity is a significant issue for infrastructure providers and associated activities. NZDF supports specific provisions acknowledging this and seeking to protect against reverse sensitivity effects.

# SUBMISSION

TELEPHONE 0800 327 646 | WEBSITE [WWW.FEDFARM.ORG.NZ](http://WWW.FEDFARM.ORG.NZ)



**To:** Wanganui District Council

**From:** Wanganui Federated Farmers of New Zealand

**Submission on:** **PLAN CHANGE 40 – 45  
WANGANUI DISTRICT PLAN**

**Date:** 30 June 2015

**Contacts:**

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**Federated Farmers wishes to be heard in support of this submission.**

## 1. INTRODUCTION

- 1.1 Farming has a strong presence in Wanganui and contributes significantly to the region. Federated Farmers seeks to uphold and enhance the value of farming. Wanganui Province of Federated Farmers of NZ therefore thanks the Council for this opportunity to provide a submission on Wanganui District Plan 40 - 45. We look forward to being involved in the process moving forward.



- 1.2 The following comments are representative of member views and experiences with the management of resources within the Wanganui District. It reflects the fact that resource management and District Council policies and plans impact on our member's daily lives as farmers, members of the local community, landowners and ratepayers.
- 1.3 It is important that it is not viewed as a single submission, but rather as a collective one that represents the opinions and views of our members.

### SUMMARY OF RECOMMENDATIONS

PC41  
Sub 29

- 1.4 Federated Farmers does not support the inclusion of a Bird Management Plan within the District Plan provisions. We therefore request that any reference to a 'Bird Management Plan' are deleted.

- 1.5 Federated Farmers notes that the definition for Noise excludes "*d. Livestock noise and intermittent noise from rural machinery in the rural zones*". Federated Farmers proposes that the word intermittent is deleted from this exemption. Some activities that occur in farming activities cannot be considered intermittent, for example regular dairy milking.

PC43  
Sub 11

- 1.6 Federated Farmers opposes removing beekeeping from the definition of rural activities, as it is a legitimate rural activity. We also support the inclusion of artificial crop protection structures and rural airstrips in the definition as these are integral rural activities.

PC44  
Sub 11

- 1.7 To reflect the significance of the adversity that infrastructure can create, Federated Farmers proposes that 3.1.4 is amended as follows:

*Some infrastructure facilities, especially the roading network, electricity transmission and distribution networks and telecommunication facilities have specific locational and operational requirements resulting in a need to establish in the rural environment. While these facilities are an essential part of the District's infrastructure, they can have a direct impact on land holders as business operators and hosts of the infrastructure.*

- 1.8 Federated Farmers notes that the objective provided at 3.2.2 recognises that rural activities are not compromised by non rural activities. To make this clear in the objective, we **propose that the objective is reworded as follows:**

*Rural activities and other established land uses ~~that have a functional necessity to be located within the rural environment. Including regionally or nationally significant infrastructure are not.~~ These activities should not be compromised by the establishment of non-rural activities, including regionally or nationally significant infrastructure.*

PC45  
Sub 10

- 1.9 Federated Farmers proposes the following addition to 10.2.5 to recognise the existing production land uses on those margins or adjoining text.

*10.2.5 Preserve and protect the natural character of key waterways which provide significant spiritual, cultural, amenity or access value to the community, where this does not compromise existing production land uses on those margins or adjoining land.*

- 1.10 Federated Farmers proposes that policies 10.3.2 and 10.3.8 are amended to include text that provides for minor effects on riparian margins. These



PC43 Sub 10  
riparian margin, we therefore propose that the following permitted activity is included:

Replacement, maintenance, upgrade or removal of an existing or new structure, road, track, earthwork, fence or trees that are located within 20 metres of a key waterway, but outside the riparian margin.

- 1.14 Federated Farmers also proposes that a rule is added to ensure that beneficial activities such as fencing to protect a waterway can be undertaken without requiring consent.

Installation of a new fence, bridge, culvert, ford or flood protection structure, where that structure will enhance, or protect the natural character of the key waterway.

- 1.15 Federated Farmers also seeks a new sub section vi) Permitted Activities in Riparian Margins, as per the existing District Plan but taken out for this review. Federated Farmers believes it is essential that these activities continue to be reflected in the District Plan as a Permitted Activity, and therefore addition of the following sub section is sought.

To allow planting, tending, harvesting or clearing any vegetation including non-indigenous trees, for conservation, river management or habitat purposes, without defaulting to a restricted discretionary activity.

- 1.16 The following addition is proposed to the notes for restricted discretionary activities for Riparian Margins.

Where an activity would have been a permitted activity under the underlying zone but requires resource consent under the above provisions, the Council will waive resource consent fees.

- PC43 Sub 11  
1.17 Federated Farmers believes that earthwork activities the Council seeks to control are already controlled under the OnePlan by the Regional Council in the Rural Zones. We therefore consider that there would be unnecessary duplication and cost if the District Council replicated those rules. We therefore propose that the introduction to this chapter is amended as follows:

The objectives, policies and rules in this chapter apply across the District except for the Rural A, B and C zones. They are grouped together to prevent repetition throughout the Plan. The Rural Zones are controlled by provisions in the Manawatu Wanganui Regional Council OnePlan, which allows some land disturbance as permitted activities, but subject to performance standards covering slope angle, area, sediment control methods and protection of sensitive environments. Many land disturbance and cultivation activities require notification to the Regional Council and/or resource consent. Landowners and developers in the Rural Zones should contact the Manawatu Wanganui Regional Council before commencing earthworks.

- 1.18 We recommend that 'Rural Zones' are deleted from 14.4.1 and succeeding rules and performance standards to be consistent with Regional Council control of the Rural Zone earthworks.

- PC41 Sub 29  
1.19 Federated Farmers proposes that the introduction to the Noise chapter is amended to reflect the coverage of the Resource Management Act in relation to aircraft noise as follows:



## 2. MARKED UP TEXT – Specific Comments to text as proposed

### **Bird Management Plan**

- PC41  
Sub 29
- 2.1 We note that provision has been made for a 'Bird Management Plan' within the District Plan, for the purpose of outlining *"how farmer managers bird populations while also managing adverse effects (including noise) on the surrounding environment"*.
- 2.2 **Federated Farmers does not support the inclusion of this type of Plan within the District Plan provisions.** It is not practice for District Council's to enforce the practical applications of farmer pest management as a result of noise restrictions. Federated Farmers believes that these requirements sit more appropriately with the Regional Council via their Pest Management programme, and in addition, the noise provisions of the District Plan as recently considered, provide the ability to mitigate and manage any undue noise effects to surrounding communities.
- 2.3 In addition, as a result of our recent submission to the Council's Long Term Plan, we understand the fiscal pressures that the Council is currently facing. We therefore encourage Council to where possible; remove redundant regulatory provisions that ultimately place the Council under a greater financial burden via tiresome compliance costs.
- 2.4 Federated Farmers therefore requests that any reference to a 'Bird Management Plan' throughout the proposed District Plan are deleted.

### **Noise**

- 2.5 Federated Farmers notes that the definition for Noise (unwanted sound affecting people) excludes *"d. Livestock noise and intermittent noise from rural machinery in the rural zones"*. We appreciate the exemption as noise is a natural activity for farmers.
- 2.6 Federated Farmers proposes however, that the word intermittent is deleted from this exemption. Some activities that occur in farming activities can not be considered intermittent, for example regular dairy milking. Deleting this word provides a more accurate and appropriate exemption for rural activities.
- 2.7 Federated Farmers therefore requests that the word intermittent is deleted from the noise exemption for the rural zone.

### **Rural Activities**

- PC43  
Sub 11
- 2.8 Federated Farmers notes the amendments to the definition for rural activities, specifically:
- 2.8.1 The deletion of beekeeping - Federated Farmers opposes removing beekeeping from this definition, as it is a legitimate rural activity and should be covered in the definition.
- 2.8.2 The inclusion of artificial crop protection structures and rural airstrips – Federated Farmers supports this inclusion, as these are integral to rural activities.
- 2.9 Federated Farmers further notes that the definition does not include rural industry or intensive farming; however neither of these are further defined in the plan. Federated Farmers therefore proposes that reference to these is either deleted, or definitions are provided for and appropriately consulted on.

### **3.1 Issues – Rural Environment**

- PC44  
Sub 11
- 2.10 Federated Farmers does not believe that the issues covered in the Rural Environment section 3, appropriately reflect the ability for infrastructure to have adverse effects on existing land uses. We appreciate that there is a need to incorporate infrastructure



PC43  
Sub 11

## 14 – Earthworks

- 2.29 Federated Farmers believes that earthwork activities the Council seeks to control in this chapter are already controlled under the OnePlan by the Regional Council in the Rural Zones. These include extensive provisions to address hazards, silt, scouring, slipping, dust and revegetation, as well as land disturbance near waterbodies and sensitive environments. In steep hills and sand dune environments other special provisions apply, and with other sensitive receiving environments direct supervision by Council Land Management officers may be required.
- 2.30 We therefore consider that there would be unnecessary duplication and cost if the District Council replicated those rules. We therefore propose that the introduction to this chapter is amended as follows:

*The objectives, policies and rules in this chapter apply across the District except for the Rural A, B and C zones. They are grouped together to prevent repetition throughout the Plan. The Rural Zones are controlled by provisions in the Manawatu Wanganui Regional Council OnePlan, which allows some land disturbance as permitted activities, but subject to performance standards covering slope angle, area, sediment control methods and protection of sensitive environments. Many land disturbance and cultivation activities require notification to the Regional Council and/or resource consent. Landowners and developers in the Rural Zones should contact the Manawatu Wanganui Regional Council before commencing earthworks.*

### 14.4.1 – Earthworks Rules – Permitted Activities

- 2.31 As with our previous comment, we believe that Rural Zones are deleted from 14.4.1 and succeeding rules and performance standards to be consistent with Regional Council control of the Rural Zone earthworks.

PC41  
Sub 29

## 17 – Noise

- 2.32 Federated Farmers proposes that the Introduction to the Noise chapter is amended to reflect the coverage of the Resource Management Act in relation to aircraft noise. We believe that for clarity, aircraft noise made once the aircraft has left the ground should be noted as not within the scope of the Act.

- 2.33 The following amendment to the introduction is proposed.

*Airports, and their associated flight operations, generate noise. This noise is distributed over a wide geographical area, and can vary from barely perceptible to significant nuisance depending on the sensitivity to air noise of the activity where the noise occurs. These provisions manage the relationship between air noise and land use activities that may be sensitive to that air noise. It should be noted that aircraft noise generated after the aircraft has left the ground is not controlled under the Resource Management Act.*

### 17.1 – Noise Issues

- 2.34 Federated Farmers proposes that to ensure that aircraft and helicopter activities that support rural activities are not unduly restricted by the noise provisions of the plan, 17.1.2 and 17.3.4 are amended to give reference to these activities. The following amendments are proposed:

*17.1.2 Noise sensitive activities located in existing high noise environments and the adverse effects of that noise cannot reasonably be mitigated. This includes intermittent operation of farm airstrips and helicopter landing areas for servicing rural production activities in the Rural Zones.*



### 3. Comments relating to Consultation Documents

- 3.1 Federated Farmers understands that Proposed Plan Changes largely reflect the need to align with the Manawatu Whanganui Regional Council (Horizons) combined Regional Policy Statements, the One Plan. Federated Farmers therefore accepts that to a greater extent, the updated provisions of the District Plan, are intended to give effect to regional developments and provisions.

#### **Financial Contributions – Plan Change 40**

- 3.2 We note that the Council has not charged financial contributions for the previous five years, instead relying on the use of development contributions to recover from developers. Of the three options proposed by Council to update the plan, we recognise that Option 3, 'Review current provisions for financial contributions and make them specific' is the preferred option.
- 3.3 Federated Farmers also accepts that it is necessary to update the Plan Provisions to ensure that Council's statutory obligations are fulfilled. We also note the additional benefits noted, of improved certainty to developers, along with a greater tool set of options to apply to recover contributions. We are supportive of Council efforts to ensure that Plan provisions are clear, transparent and efficient, and also, support attempts to ensure that mechanisms are fit for purpose and consider individual users specifically, rather than blanket 'one size fits all approaches'.
- 3.4 Federated Farmers therefore supports the detail provided in 3.3 and 3.4 which we believe provides for individual consideration of the activity, and therefore, personalised calculation of the level of contribution required, if any.

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Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming businesses. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

These comments are representative of member views and reflect the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

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Federated Farmers thanks the Wanganui District Council for considering our submission to the proposed Wanganui District Plan.