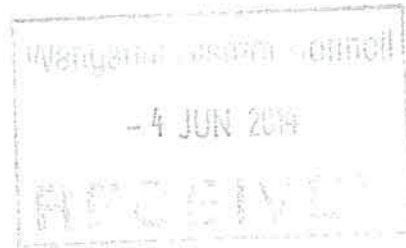


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Submission by Transpower New Zealand Limited on:
Plan Change 36: Rural Environment
to the Wanganui District Plan

4 June 2014



Keeping the energy flowing



TRANSPOWER



0304422

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**SUBMISSION BY TRANSPOWER NEW ZEALAND LIMITED ON:
PLAN CHANGE 36: RURAL ENVIRONMENT CHAPTER
TO THE WANGANUI DISTRICT PLAN**

Clause 6 of First Schedule, Resource Management Act 1991

TO: Wanganui District Council
PO Box 637
Wanganui
Attention: Alisha Huijs

NAME OF SUBMITTER: Transpower New Zealand Limited

THE SPECIFIC PROVISIONS OF THE PROPOSAL THAT TRANSPOWER'S SUBMISSION RELATES TO ARE: Refer submission document below

TRANSPOWER SEEKS THE FOLLOWING DECISION FROM THE LOCAL AUTHORITY: That Plan Change 36 be approved subject to the inclusion of all amendments outlined in Transpower's submission.

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

Transpower wishes to be heard in support of their submission.

1.0 INTRODUCTION

INTRODUCTION TO TRANSPOWER

1.1 Transpower New Zealand Limited (Transpower) is the State Owned Enterprise that plans, builds, maintains and operates New Zealand's high voltage transmission network – the National Grid – which links generators to distribution companies and major industrial users. The grid, which extends from Kaikohe in the North Island down to Tiwai in the South Island, transports electricity throughout New Zealand. The National Grid comprises some 12,000km of transmission lines and 176 substations. The national control centres (located in Wellington and Hamilton) operate a network of some 300 telecommunication sites that link together the components that make up the National Grid.

NATIONAL GRID TRANSMISSION ASSETS IN THE WANGANUI DISTRICT

- 1.2 The following National Grid Transmission assets are located within or traverse the Wanganui District:
- Brunswick – Bunnythorpe A (BRK-BPE-A) 220kV double circuit line on towers
 - Brunswick – Stratford A (BRK-SFD-A) 220kV double circuit line on towers
 - Brunswick – Stratford B (BRK-SFD-B) 220kV single circuit line on towers
 - Wanganui – Stratford A (WGN-SFD-A) 110kV single circuit line on pi-poles
 - Bunnythorpe – Wanganui B (BPE-WGN-B) 110kV double circuit line on towers
 - Brunswick Substation
 - Wanganui Substation

2.0 STATUTORY CONTEXT

NATIONAL POLICY STATEMENT ON ELECTRICITY TRANSMISSION 2008 (NPSET)

- 2.1 Under the Resource Management Act 1991 (*RMA*) Transpower's electricity infrastructure is a significant physical resource that must be sustainably managed, and adverse effects on that infrastructure must be avoided, remedied or mitigated. The NPSET confirms the national significance of the resource and the need to appropriately manage activities and development under, and close to it.
- 2.2 The preamble to the NPSET makes it clear that decision makers are to be guided by it when drafting plan rules and that it should be taken into account during the hearing and decision making process. Section 75(3)(a) of the RMA requires a district plan to give effect to a National Policy Statement (*NPS*).
- 2.3 The objective of the NPSET is as follows:
- To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:*
- a) *Managing the adverse environmental effects of the network; and*
 - b) *Managing the adverse effects of other activities on the network.*
- 2.4 The NPSET contains 14 policies. Policy 1 recognises the national benefits of transmission, while policies 2 through 9 guide the management of the environmental effects of transmission. Policies 10 and 11 seek to manage the adverse effects of activities on the transmission network. Policy 12 requires district councils to identify the electricity network on their planning maps. Policy 13 requires decision makers to recognise the designation process as facilitating long-term planning of the infrastructure and Policy 14 is directed towards regional councils.
- 2.5 Policies 10 and 11 are of particular relevance to proposed Plan Change 36.
- 2.6 **Policy 10** of the NPSET 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.

2.7 This policy imposes obligations to 'the extent reasonably possible' manage activities to avoid reverse sensitivity effects and, as a separate matter, ensure that the operation, maintenance, development and upgrading of the National Grid is not compromised. This direction sets a relatively high level of protection for the National Grid.

2.8 Policy 11 of the NPSET 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).

2.9 This policy identifies that the Council must identify a buffer corridor within which sensitive activities will generally not be allowed. It is Transpower's view that the buffer corridor approach proposed in this submission is the appropriate mechanism for giving effect to both Policies 10 and 11 of the NPSET. Further, it is Transpower's view that the term 'generally not allowed' requires a non-complying activity status for sensitive activities and other activities that could compromise the operation and maintenance of the National Grid within the buffer corridor in the District Plan.

RESOURCE MANAGEMENT (NATIONAL ENVIRONMENTAL STANDARDS FOR ELECTRICITY TRANSMISSION ACTIVITIES) REGULATIONS 2009

2.10 The Resource Management (National Environment Standards for Electricity Transmission Activities) Regulations 2009 (hereafter 'the NESETA') came into effect on 14 January 2010. The standards:

- Specify that transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects; and
- Specify resource consent requirements for transmission activities that do not meet the terms and conditions for permitted activities (note that this is a different approach to the Telecommunications NES).

2.11 The NESETA applies to existing (as at 14 January 2010) high voltage transmission lines owned and operated by Transpower (i.e. existing National Grid transmission lines). The standards in the NESETA recognise and provide for the operation, maintenance, upgrading, relocation and removal of the existing transmission network, having considered operational constraints and technical requirements. The standards provide a framework of consent requirements and permissions that take into account the policies of the NPSET. The NESETA does not apply to substations, new lines or lines that are not owned and operated by Transpower.

HORIZONS REGIONAL POLICY STATEMENT (INCORPORATED INTO THE HORIZONS ONE-PLAN)

2.12 As well as the NPSET, district plans must also have regard to any proposed RPS (section 74 of the RMA) and must give effect to any RPS (section 75 of the RMA).

2.13 The Horizons One-Plan, which encompasses the RPS, establishes a policy framework that identifies the major resource management issues for the Manawatu-Wanganui Region and

provides an overriding direction and consistency in managing matters across local government boundaries.

- 2.14 Chapter Three of the One Plan details how activities involving infrastructure (and also renewable energy, waste, hazardous substances and contaminated land) will be addressed. This Chapter recognises that some infrastructure is regionally and nationally important and that there can be logistical or technical constraints on where infrastructure must be located to serve communities and operate efficiently. The One Plan seeks to ensure the benefits of infrastructure are recognised and appropriately weighed along with other matters in the decision making process. This Chapter also contains a number of provisions providing for regionally significant infrastructure (which includes the National Grid) and specifically the need to provide for its continued safe and efficient establishment, operation, protection, maintenance and upgrading.
- 2.15 The provisions of particular relevance to the protection of the National Grid include the following:
- Have regard to the benefits of infrastructure and other physical resources of regional or national importance by recognising and providing for their establishment, operation, maintenance and upgrading (Objective 3-1)
 - The Regional Council and territorial authorities must recognise the National Grid and electricity distribution and transmission networks defined as the system of transmission lines, sub-transmission and distribution feeders and all associated substations and other works to convey electricity as being physical resources of regional or national importance (Policy 3-1(ia))
 - The Regional Council and territorial authorities must in relation to the establishment, operation, maintenance or upgrading of infrastructure and other physical resources of regional or national importance have regard to the benefits derived from those activities (Policy 3-1(b))
 - Ensuring that adverse effects on infrastructure and other physical resources of regional or national importance from other activities are avoided as far as reasonably practicable (Policy 3-2)
 - Requiring decision makers to, recognise and provide for the operation, maintenance and upgrading of new infrastructure and in managing adverse effects of new infrastructure, take into account a range of factors including the need for the infrastructure, any functional, operational or technical constraints that require the infrastructure to be located or designed in the manner proposed, alternative locations and whether the effects can be off-set (Policy 3-3).
- 2.16 It is, therefore, appropriate given the regional and national significance of Transpower's National Grid assets that its management is comprehensively addressed in the Wanganui District Plan, to ensure that the RPS and the NPSET are given effect to. Like the NPSET, through policy 3-2 the One Plan provides a high level of protection for the transmission network from other activities. This direction must be given effect to in the Wanganui District Plan.

3.0 GENERAL SUBMISSION – GIVING EFFECT TO THE NPSET AND RPS

- 3.1 Plan Change 36, that is the subject of this submission, forms part of Wanganui District Council's (hereafter 'the Council') rolling review of the Wanganui District Plan and is identified as 'Phase 5' of this process. Given that the majority of the National Grid assets located in the Wanganui District are within the rural zones, Transpower, through previous consultation with the Council, understands that it is the Council's preference to address the issue of transmission buffer corridors across the network as a whole, as part of this phase of the District Plan review.
- 3.2 Transpower has previously submitted, and given evidence on, earlier plan changes of the review being Plan Change 23 (Rural Lifestyle Zone); 26 (Residential Zone) and Plan Change 27 (Subdivision, Infrastructure and Earthworks) (all within 'Phase 2'). The relief sought in this submission to the rural chapter of the District Plan is consistent with the relief sought by Transpower in the earlier submissions. However, it is noted that terminology changes have occurred since the lodgement of the earlier submissions. In this respect, this submission seeks consequential amendments to this terminology, namely the terms given to the different corridors and yards of the buffer corridor approach.
- 3.3 It is recognised that while this Plan Change seeks to address and implement the buffer corridor approach, there are instances where there is little or no scope to fully implement this approach successfully i.e. request changes or consequential amendments to the subdivision and earthworks provisions amended as part of the earlier review phases and plan changes process. Therefore, the relief sought by Transpower in the following sections of this submission, attempts to incorporate the buffer approach provisions including those relating to subdivision and earthworks within the chapter to which this plan change relates only, being Chapter 3 – Rural Environment to ensure that the NPSET is fully given effect to.
- 3.4 Transpower **supports the general intent of the Plan Change** insofar that it makes provision for network utilities within the rural environment. Notwithstanding this general support, Transpower considers that some refinement and a number of additions are required to ensure that the NPSET is given effect to. Specifically, a number of amendments are required to ensure that sensitive activities in proximity to National Grid assets are managed appropriately, to ensure that the ongoing maintenance, operation and upgrading of the National Grid is provided for and to ensure that adverse effects on the National Grid are avoided.

RELIEF SOUGHT – GENERAL SUBMISSION

- SP1. That Plan Change 36 is approved, subject to appropriate amendments that ensure:
- Full effect is given to the National Policy Statement for Electricity Transmission 2008;
 - Effect is given to the policies of the One Plan;
 - Recognition of the National Environmental Standards for Electricity Transmission Activities and ensure that there are no conflicts with provisions of the District Plan and the NESETA (s44A of the RMA);
 - The protection of the existing network from issues of reverse sensitivity and the effects of others' activities through the provision of appropriate National Grid Yard and National Grid Subdivision provisions;

- Provide an appropriate policy framework for the development of new electricity transmission lines; and
- Provide for the on-going operation, maintenance, upgrading and development of existing transmission lines.

AND

SP2. **Adopt any other such relief**, including additions, deletions or consequential amendments necessary to address the relief sought in submission point 1 above and all other submission points that follow.

4.0 GENERAL SUBMISSION – NATIONAL GRID YARDS AND CORRIDORS

OVERVIEW

- 4.1 The potential for activities of other parties to adversely affect the transmission network is recognised in the NPSET, more specifically in policies 10 and 11. These policies provide the primary guidance to the management of the adverse effects of third parties on the transmission network.
- 4.2 Policy 11 requires local authorities to consult with Transpower 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. Transpower acknowledge that, through previous Wanganui District plan change processes and through consultation throughout the draft Plan Change 36 process, Council have introduced the definition of sensitive activities as that reflects the NPSET. Transpower support the use of exclusive definitions of sensitive activities in District Plans.
- 4.3 Policy 11 also states that sensitive activities should generally not be provided for in plans or granted resource consent. This should include sensitive activities establishing as a result of a change of use (to a sensitive activity) of an existing building, the establishment of a new activity, or the extension of an existing activity. Transpower consider that activities can be sensitive to the effects of transmission lines due to the potential noise, electric and magnetic fields (particularly perceived effects of these), radiofrequency interference, visual effects and electrical generated by the operation, maintenance and upgrading of the line. It is therefore Transpower's view that sensitive activities within the National Grid Yard be non-complying activities.
- 4.4 NPSET does not define 'non-sensitive' activities. Further, the presumption in Policy 11 that 'activities will generally not be provided for or granted resource consent' does not apply to non-sensitive activities. However even activities that are not included in a definition of sensitive activities can have adverse effects on and from the National Grid if they are inappropriately located or established. Policy 10 of the NPSET applies to all activities whether or not they are defined as sensitive activities. It is Transpower's view that non-sensitive activities can be managed via rules in district plans (as the majority of councils that have implemented the NPSET have done around the country).
- 4.5 The transmission buffer corridors that Transpower proposes are designed as the minimum corridors able to achieve the majority of these outcomes. The proposed corridors do not, however, specifically address such matters as amenity, urban design or prudent avoidance (especially in areas to be intensively residentially developed), although these matters are relevant considerations within buffer corridors. It is largely up to individual council's to

incorporate amenity controls they require to address those matters into the final corridor provisions. In that regard, Transpower acknowledges that the corridor it seeks is the 'minimum corridor' it considers is required to address safety, operation, maintenance, and to enable the most substantial effects of sensitive activities (including reverse sensitivity effects) to be addressed. Transpower also acknowledges that the responsibility for the final form of corridor provisions (once all relevant matters, including amenity, are taken into account) sits with the Council.

TRANSPOWER'S APPROACH TO THE IMPLEMENTATION OF POLICIES 10 AND 11 OF NPSET

- 4.6 The area that Transpower is primarily interested in is 12 metres¹ either side of the centreline and 12 metres from the outer edge of support structures. This area is often referred to as the 'red zone' or 'National Grid Yard' (referred to as the 'electricity transmission yard' in previous Transpower submissions and in the Plan Change 27 marked up decision document). This area applies to land requiring a greater degree of regulation recognising the risks and constraints. The intention is to avoid sensitive activities and incompatible new buildings within this area and a non-complying activity status is recommended for incompatible buildings, structures and sensitive activities in this area. It is recognised that some non-sensitive development can occur in this area without affecting the matters in Policy 10 of the NPSET.
- 4.7 The 'National Grid Yard' also includes the safe separation distances from support structures and the area required for maintenance activities being 12m from the visible foundation of any support structure (tower, single pole or pi pole).
- 4.8 The wider 'National Grid Subdivision Corridor' (referred to as the 'electricity transmission corridor' in previous Transpower submissions and in the Plan Change 27 marked up decision document) applies to land where subdivision needs to be managed. Subdivision is considered to be the most appropriate time and best opportunity to avoid adverse effects on transmission lines as the subdivision layout and design establishes the framework for which subsequent building and land use will be undertaken. Restricted discretionary activity status is sought for subdivision within the 'National Grid Subdivision Corridor' provided that a complying building platform can be provided outside the 'National Grid Yard'. Where this cannot be achieved, it is recommended that non-complying activity consent be required.
- 4.9 The buffer approach sought by Transpower will assist in ensuring compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001). Compliance with NZECP34:2001 is mandatory irrespective of whether any rules in district plans explicitly manage activities within the yard and corridors. As such, Transpower **supports, subject to a slight amendment**, the advice note provided in the permitted activity standards of Chapter 3. This will draw the attention of plan users to the requirement to comply with NZECP34:2001.

RELIEF SOUGHT

SP3. That Plan Change 36 is approved, subject to the amendments which follow that ensure that policies 10 and 11 of the NPSET are given effect to.

¹For some assets this will be 10m such as the 110kV line on single poles in Aramoho.

5.0 SUBMISSIONS ON SPECIFIC PLAN CHANGE PROVISIONS

- 5.1 As noted above, Transpower **generally supports the Plan Change** but seeks a number of specific amendments to particular objectives, policies, rules, performance standards and definitions in order for the Plan Change to give appropriate effect to the relevant documents referred to in Section 3 of this submission and to more specifically ensure the successful implementation of the NPSET.
- 5.2 Without derogating from the general relief sought in Section 3 and Section 4 above, this section of the submission outlines Transpower's submissions on the specific provisions contained within the Plan Change. These proposed amendments are provided as one option for achieving Transpower's relief sought; however, Transpower notes that there may be other means of drafting provisions to achieve the outcomes sought in submission point 1. Therefore, Transpower welcomes opportunities to confer with the Council and/or other interested parties if desired.

CHAPTER 3 RURAL ENVIRONMENT (INTRODUCTORY SECTION)

SUBMISSION

- 5.3 Transpower **opposes** the amendments made to the introductory section of Chapter 3. As currently proposed, this section fails to adequately recognise that there are established activities in the rural environment that are not associated with the use of the productive capability of the land. In most cases, nationally and regionally significant infrastructure, including the established transmission lines within the Wanganui district, rely on a rural location due to its linear nature and the need to traverse districts and regions.
- 5.4 It is therefore essential that the policy framework of the District Plan provide an appropriate balance between recognising and providing for nationally and regionally significant infrastructure with the need to protect productive land. It is Transpower's view that the District Plan, more specifically, the rural zone chapter, contain appropriate recognition of this infrastructure to both protect this critical and nationally important infrastructure from sensitive activities and inappropriate rural based activities and development, and to manage effects on the National Grid assets.

RELIEF SOUGHT – CHAPTER 3 RURAL ENVIRONMENT (INTRODUCTORY SECTION)

SP5. Insert the following paragraphs into the introductory section of Chapter 3 as follows:

The National Grid infrastructure plays a key role locally, regionally and nationally. It forms an essential part of the efficient functioning of the District and its maintenance and development contributes to the health, safety and well-being of residents. The national, regional or local benefit of having a sustainable, secure and efficient utility network must be recognised and provided for.

The Council is required to give effect to any National Policy Statement (NPS). The stated objective of the NPSET is 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".

OR words to the like effect.

SECTION 3.1: ISSUES

SUBMISSION

- 5.5 This submission point relates to the Section 3.1 of Chapter 3 which identifies the issues of the rural environment. Specifically, Transpower **opposes** this section because, as currently proposed, the issues statements fail to recognise that infrastructure is subject to specific locational, operational and technical requirements that require it to be located in the rural zone. As previously noted, it is essential that the policy framework of the District Plan provide an appropriate balance between recognising and providing for nationally and regionally significant infrastructure that requires a rural location with the need to protect productive land and maintain rural character and amenity.

RELIEF SOUGHT – 3.1 ISSUES

SP6. Amend Issue 3.1.1 as follows:

3.1.1 Inappropriate subdivision, land use or development can lead to adverse effects on the visual amenity value of the open space characteristics of the rural environment and the operation, maintenance, upgrading and development of the National Grid.

AND

SP7. Insert a new issue under the 'Rural A Zone' heading as follows:

Some infrastructure facilities, especially the roading network, electricity transmission and telecommunications facilities have specific locational and operational requirements resulting in a need to establish in the rural environment.

SECTION 3.2 OBJECTIVES

SUBMISSION

- 5.6 Transpower **opposes** Section 3.2 of the Plan Change. As currently proposed, the objectives set up an inappropriately high and inflexible policy direction that seeks only to safeguard productive land and protect rural land based productive activities.
- 5.7 It is important that the objectives of the rural chapter seek to enable people and communities to undertake activities that provide for their well being, while appropriately addressing environmental effects and similarly seek to enable the ongoing establishment, operation, maintenance and upgrading of nationally and regionally significant infrastructure. Policy directions that seek to protect rural land use and to safeguard the life supporting capacity of productive land should not be at the expense of appropriate resource use and development, particularly the use and development of significant infrastructure.
- 5.8 Objective 3.2.4 as currently worded dictates that rural character and amenity values be protected to ensure that a predominance of rural productive activities and open, low density

development continues to define the wider rural environment. This objective is too obsolete and seeks an unbalanced protection of character and amenity values. It therefore sets a high and inflexible policy direction that is not consistent with the purpose and principles of the RMA. The RMA does not afford the absolute protection of amenity values.

- 5.9 The potential for adverse effects on the National Grid is of particular concern to Transpower, given the national and regional significance of National Grid assets. It is important that the policy direction provided in the rural environment chapter address these concerns. The inclusion of objectives and policies providing for the operation, maintenance and upgrading the National Grid and protection of National Grid assets from adverse effects is consistent with the inclusion of network utilities as a permitted activity and the buffer corridor provisions in the Plan Change, and is consistent with policies 3-1, 3-2 and 3-3 of the One Plan.

RELIEF SOUGHT – 3.2 OBJECTIVES

SP8. Amend Objective 3.1.1 as follows:

3.2.1 Safeguard the versatility and life supporting capacity of soils within the District, particularly Class 1 and 2 soils, from inappropriate subdivision, use and development.

Or words to the like effect.

SP9. Amend Objective 3.2.2 as follows:

3.2.2 Rural land use and development and other established land uses that have a functional necessity to be located within the rural environment, including National Grid assets, is not compromised by the establishment of non-rural activities.

Or words to the like effect.

SP10. Amend Objective 3.2.4 as follows:

3.2.4 Protect rural character and amenity values to ensure that a predominance of rural productive activities and open, low density development continues to define the wider rural environment from inappropriate subdivision, use and development.

Or words to the like effect

SP11. Insert a new objective as follows:

3.2.6 Avoid land use activities and subdivision that could adversely affect (including through reverse sensitivity) the operation, maintenance, upgrading and development of the National Grid.

Or words to the like effect

SECTION 3.3: POLICIES

SUBMISSION

- 5.10 Transpower **opposes** section 3.3 of the Plan Change as proposed. As currently worded the policies only address the effects of subdivision and urban development on rural land and seek only to protect rural character and rural activities. The policies fail to:
- Recognise and provide for the National Grid assets located within the rural environment of the District; and,
 - Address adverse effects on significant infrastructure in the rural zone from incompatible and sensitive land uses.

RELIEF SOUGHT – SECTION 3.3 POLICIES

SP12. Amend Policy 3.3.5 as follows:

To ensure a Rural A Zone where the following characteristics are maintained:

- a. a predominance of rural activities;*
- b. a range of complimentary activities where their effects are compatible with the predominantly rural character, scale and amenities of the area;*
- c. regionally or nationally significant infrastructure including National Grid assets;*
- e. d. Open, low density development with relatively few structures and signs, which does not detract from rural landscapes;*
- e. rural practices and rural odours are generally acceptable, provide best practicable options are used;*
- f. a varied noise environment may exist within intermittent noise from rural machinery;*
- g. retain or enhance natural and cultural heritage features;*
- h. street lighting is not provided;*
- i. reticulated services generally to do exist.*

OR words to the like effect.

SP14. Insert a new policy in Section 3.3 as follows:

Recognise and provide for the development, operation, maintenance and upgrading of essential network utilities, including the National Grid.

OR words to the like effect.

SP16. Insert a new policy in Section 3.3 as follows:

When managing the effects of essential network utilities consider the locational, technical and operational requirements of network utilities and the contribution they make to the functioning and wellbeing of the community and beyond in assessing their location, design and appearance.

OR words to the like effect.

RULES: PERMITTED ACTIVITIES (3.4.1 - RURAL A ZONE & 3.8.1 - RURAL C ZONE)

SUBMISSION

- 5.11 Given that the majority of Transpower's National Grid assets within the District are located within the proposed Rural A Zone and proposed Rural C Zone, Transpower **generally supports** the inclusion of network utilities as a permitted activity (Rules 3.4.1(i) and 3.8.1(h)) and the advice note regarding works within proximity to electricity lines. Notwithstanding this support, Transpower seeks minor amendments to the permitted activity rule that is consistent with the relief sought for the residential chapter and a minor amendment to the advice note to further clarify that compliance with the permitted activity standards of the District Plan does not ensure compliance with NZCEP34:2001.

RELIEF SOUGHT – PERMITTED ACTIVITIES (3.4.1 - RURAL A ZONE & 3.8.1 RURAL C ZONE)

- SP17. Amend permitted activities 3.4.1(i) and 3.8.1(h) as follows:

Network utilities as ~~provided~~ permitted by District Wide Rule 40.4 Utilities (Rule R15)

- SP18. Amend the Advice Note provided in 3.4.1 and 3.8.1 as follows:

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

Vegetation to be planted within near electricity lines should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Tress) Regulations 2003. To discuss works, including tree planting, near any electrical line, contact the line operator. Compliance with the permitted activity standards of this Plan does not ensure compliance with NZCEP34:2001.

RULES: RESTRICTED DISCRETIONARY ACTIVITIES (3.4.2 – RURAL A ZONE & 3.8.2 RURAL C ZONE)

SUBMISSION - SUBDIVISION

- 5.12 Transpower **opposes** the restricted discretionary subdivision rules (3.4.2(b), 3.4.2(c) and 3.8.2(b)) within the rural environment chapter. The District Plan incorporating both the changes proposed in Plan Change 27 and this Plan Change has not adequately implemented the subdivision of land within the Rural A and Rural C zones. Failure to comply with the 20-metre setback rule currently provided as the default corridor rule for the rural zone will only require consent as a discretionary activity not a non-complying activity as required in the Residential and Rural B zones.² The inclusion of an appropriate consent path, including a non-complying activity status for subdivision within the corridor is crucial given that the majority of Transpower's National Grid assets in the Wanganui district are located within the rural environment. Transpower seeks that a consistent approach to the implementation of the buffer corridor approach be taken for all zones instead of the

² Refer pages 61, 62 and 65 of Appendix Four – Marked up version. Proposed Plan Change 27 (http://www.wanganui.govt.nz/shaping/docs/PlanChange27/PlanChange27_MarkedUpText.pdf)

imposition of the new corridor setbacks for some zones and a generic 20m setback for others.

- 5.13 Given the possible lack of scope to amend the subdivision and earthworks chapters of the District Plan, Transpower have suggested a number of options in the submission points that follow in order to implement the buffer corridor subdivision approach (refer SP19).
- 5.14 Additionally, Transpower also seeks consequential amendments to delete R269(b)(viii) and replace the term 'Electricity Transmission Corridor' with 'National Grid Subdivision Corridor' within the changes made under Plan Change 27. This would just be a consequential amendment for consistent terminology across the plan and would not change the rule and policy framework introduced in Plan Change 27.

5.15 SUBMISSION - SUBSTATIONS

- 5.16 Transpower also seeks the inclusion of a restricted discretionary rule seeking to control the construction of buildings located within the yard of the two National Grid substations located within the Wanganui district. Substations generate effects such as noise and even when operating within District Plan limits can be an annoyance for people as they are continually operating; 24 hours 7 days a week.. Substations can also cause concern or annoyance because of how they look, electrical interference and perceived electric and magnetic field (EMF) issues. Historically, Transpower located substations away from population centres however overtime, residential developments have occurred around and next to some of Transpower's 176 substations, causing a range of effects including reverse sensitively effects. If intensification is carried out without taking a given substation into account, inconvenience and nuisance effects may be experienced by future neighbours. Transpower may, in turn, be negatively affected by having to constrain the way the National Grid is operated in order to mitigate these effects. Therefore Transpower consider that it is appropriate that buildings within 150m of the yard of a National Grid substation require restricted discretionary resource consent.

SUBMISSION - EARTHWORKS

- 5.17 As proposed, there are no provisions that control earthworks that could potentially compromise National Grid assets located in the Rural A and Rural C zones. Provisions controlling earthworks within the National Grid Yard ('electricity transmission yard') in the Residential and Rural B zones were introduced in Phase 2 of the rolling review process however, this process did not include performance standards for activities within the rural zone. The combination of Plan Change 27 and the proposed Plan Change 36 District Plan amendments would mean earthworks within the National Grid yard in the rural zone would be a permitted activity under Rule R274(f) being '*Earthworks in all other zones, unless otherwise stated*'. There are no standards applying to this rule that would ensure effects on the National Grid located in the rural zone would be avoided.
- 5.18 Given that the majority Transpower's National Grid assets are located in the rural environment it is considered necessary to control earthworks within the National Grid Yard in order to give effect to the NPSET, specifically policies 10 and 11. Inappropriate earthworks can undermine electricity transmission support structures or result in reduced clearance distances under the lines resulting in increased health and safety risks.
- 5.19 The inclusion of a consenting framework to manage this is also in keeping with Councils undertaking to introduce the buffer corridor approach and the management of activities within the buffer areas in this Plan Change / District Plan rolling review phase.

RELIEF SOUGHT - RESTRICTED DISCRETIONARY ACTIVITIES (3.4.2 – RURAL A ZONE & 3.8.2 RURAL C ZONE)

SP19. Amend restricted discretionary activity rules 3.4.2(b) and 3.8.2(b) as follows:

Subdivision provided that:

i.

ii. The identified Building Platform shall be located outside the National Grid Yard

~~*iii.*~~

AND

Amend restricted discretionary rule 3.4.2(c) as follows:

c. Subdivision to create one allotment with a minimum site area of 2,500m² and a maximum site area of 5,000m² site area.

i. Provided that

.....

- *The identified Building Platform shall be located outside the National Grid Yard.*

AND

Insert the following matters of discretion under rules 3.4.2(b), 3.4.2(c) and 3.8.2(b):

- *Impacts on the operation, maintenance, upgrade and development of the National Grid.*
- *The ability of future development to comply with NZECP34:2001.*
- *Technical advice provided by Transpower*
- *The ability of the applicant to provide a complying building platform.*
- *Location, design and use of the proposed building platform or structure as it relates to the National Grid.*
- *The risk of electrical hazards affecting public or individual safety, and the risk of property damage.*
- *The nature and location of any vegetation to be planted in the vicinity of National Grid Lines.*

OR insert a new restricted discretionary rule in sections 3.4.2, 3.8.2, and 3.10.2 of the District Plan as follows:

Subdivision of land located within the National Grid Subdivision Corridor where a building platform for the principal building and any dwelling is located outside of the National Grid Yard

Council restricts its discretion to the following matters:

- *Impacts on the operation, maintenance, upgrade and development of the National Grid.*
- *The ability of future development to comply with NZECP34:2001.*
- *Technical advice provided by Transpower*
- *The ability of the applicant to provide a complying building platform.*

- Location, design and use of the proposed building platform or structure as it relates to the National Grid.
- The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- The nature and location of any vegetation to be planted in the vicinity of National Grid Lines.

OR words to the like effect.

SP20. Insert a new restricted discretionary activity rule and matters of discretion into sections 3.4.2 and 3.8.2 as follows:

Any building within 150m of the secured yard of a National Grid substation.

Council restricts its discretion to the following matters:

- i. The extent to which the development may adversely affect the efficient operation, maintenance, upgrading and development of the substation.
- ii. The extent to which the proposed development design and layout enables appropriate separation distances between activities sensitive to National Grid lines and the substation.
- iii. The results of any detailed investigations to determine appropriate separation distances between activities sensitive to National Grid lines and the substation.
- iv. Any other measures proposed to avoid or mitigate potential adverse effects, including reverse sensitivity effects, on the substation.
- v. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

OR words to the like effect.

SP21. Insert a new restricted discretionary activity rule and matters of discretion into sections 3.4.2 and 3.8.2 as follows:

Earthworks within 12m of a National Grid support structure that fails to comply with performance standard XX(c)(i)

Council restricts its discretion to the following matters:

- Impacts on the operation, maintenance, upgrade and development of the National Grid.
- Compliance with NZECP34:2001.
- Technical advice provided by Transpower.
- The risk to the structural integrity of the National Grid.
- Any impact of the ability of the National Grid owner (Transpower) to access the National Grid.
- The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

RULES: DISCRETIONARY ACTIVITIES (3.4.3 – RURAL A ZONE & 3.8.3 RURAL C ZONE)

SUBMISSION

- 5.20 Transpower **supports** the provision for network utilities, not provided for as permitted activities, as discretionary activities. However, Transpower seeks minor wording amendments to clarify the link between the activity status of network utilities in the Rural A Zone and Rural C Zone. The amendment sought is consistent with the amendments made to the same rule within the residential chapter.

RELIEF SOUGHT - RESTRICTED DISCRETIONARY ACTIVITIES (3.4.2 – RURAL A ZONE & 3.8.2 RURAL C ZONE)

SP22. Amend discretionary activity rules 3.4.3(f) and 3.8.3(f) as follows:

Network utilities as ~~not provided for as permitted activities~~ by General District-Wide Rule – Utilities (rule RXX) of the Plan.~~40.1.~~

RULES: NON COMPLYING ACTIVITIES (3.4.4 – RURAL A ZONE & 3.8.4 RURAL C ZONE)

SUBMISSION

- 5.21 Transpower **supports** the inclusion of the two clauses in sections 3.4.4 and 3.8.4 of the plan change that require non-comply activity consent for the establishment or expansion of any sensitive activity within an electricity transmission yard and any building or structure over 2.5m in height and/or 10m² in area within an electricity transmission yard. The inclusion of these clauses is consistent with the relief sought in proposed Plan Change 26: Residential Zone.
- 5.22 Notwithstanding general support for the clauses, Transpower seeks minor amendments to the clauses to ensure that development within the National Grid Yard that does not comply with the performance standards proposed in this submission require non-complying activity consent.

RELIEF SOUGHT – NON COMPLYING ACTIVITIES (3.4.4 – RURAL A ZONE & 3.8.4 RURAL C ZONE)

SP23. Amend non-complying activity rules 3.4.4(a), 3.4.4(b), 3.8.4(a) and 3.8.4(b) as follows:

~~a. The establishment or expansion of any sensitive activity within an electricity transmission yard.~~

~~b. Buildings and structures located within the electricity transmission yard, which are more than 2.5m in height and/or 10m² in area.~~

a. Any activity, building or structure within the National Grid Yard which does not comply with performance standard XX.b or XX.c³

³ Performance standards proposed in SP24 of this submission.

- b. Any earthworks within the National Grid Yard which does not comply with performance standards XXXc(ii) and XXXc(iii)⁴
- c. Any building or addition to a building for a sensitive activity within the National Grid Yard.
- d. Any change of use to a sensitive activity or the establishment of a new sensitive activity within the National Grid Yard.
- e. A hazardous facility within the National Grid Yard
- f. Any subdivision of land in any zone within the National Grid Corridor which cannot provide a building platform for the principal building or any dwelling n any allotment being created outside of the National Grid Yard.

OR words to the like effect.

PERFORMANCE STANDARDS (SECTIONS 3.5, 3.7 & 3.9)

SUBMISSION

- 5.23 Transpower oppose the performance standard sections of the proposed Plan Change as there are no performance standards that specifically apply to development and activities located within the National Grid Yard. The provision of such performance standards would give effects to NPSET Policies 10 and 11. Specifically, Policy 10 of the NPSET requires that the District Plan ensure that the operation, maintenance, upgrading and development of the electricity transmission network is not compromised.
- 5.24 In seeking the inclusion of specific performance standards relating to activities within the vicinity of transmission lines, Transpower is primarily concerned about the area directly below the wires and immediately next to the structure foundations. Transpower refers to this area as the 'red zone' and it typically extends 12 metres either side of the transmission line (10m on single pole lines). Within this area Transpower considers that inappropriate development should be avoided due the effects on and from the Transmission Lines.
- 5.25 Principally, these are new buildings and structures, extensions to existing buildings and structures, and some earthworks (those that could undermine the support structures or reduce clearances to live wires below safe separation distances). It is appropriate these activities require non-complying activity resource consent if the permitted activity performance standards cannot be met and an accompanying assessment of the effects of the activity on the integrity of the electricity transmission network. Roading, open spaces, grazing, cultivation and many other primary production practices can occur around the transmission lines.
- 5.26 In addition, Transpower recognise that, within the National Grid Corridor, the undertaking of earthworks could potentially compromise the network. Accordingly, Transpower seek the addition of specific earthworks performance standards within the rural zone provisions in order to appropriately manage earthworks within the National Grid Yard. As previously noted, earthworks in the rural zone is currently permitted. This is not considered acceptable for earthworks within the National Grid Yard.
- 5.27 Transpower accepts that, due to particular formatting or drafting inconsistencies sought by Council, Council may wish to insert the performance standards requested below as permitted activities. Transpower accepts the inclusion of the following standards as either performance standards or permitted activities provided that failure to comply with the

⁴ Performance standards proposed in SP24 of this submission.

standards / activities results in the appropriate resource consent triggers (refer submission points SP21, and SP23 above).

RELIEF SOUGHT – PERFORMANCE STANDARDS

SP24. Insert new performance standards in sections 3.5, 3.7 and 3.9 of Chapter 3 as follows:

3.X.X Activities within the National Grid Yard

- a. On any sites within any part of the National Grid Yard any new buildings or structures shall be:
 - i. A fence less than 2.5m in height; or
 - ii. A Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or
 - iii. An uninhabitable farm building or structure for farming activities (but not a milking/dairy shed excluding ancillary structures, PSA³ Structures, or intensive farming buildings; or
 - iv. An uninhabited horticultural building or structure other than a commercial greenhouse or intensive farming building.
- b. On any sites within any part of the National Grid yard any new buildings or structures complying with any of the conditions of a. shall:
 - i. Have a minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or
 - ii. Demonstrate that safe electrical clearance distances required by NZECP34:2001 are maintained under all National Grid line operating conditions.
- c. On any sites within any part of the National Grid Yard earthworks except earthworks for a Network Utility or earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track shall:
 - i. be no deeper than 300mm within 12m of any National Grid support structure foundation except that vertical holes not exceeding 500mm in diameter beyond 1.5m from the outer edge of pole support structure or stay wire are exempt.
 - ii. not compromise the stability of a National Grid support structure;
 - iii. not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.

OR any other such relief that achieves the same outcome i.e. to provide for the above standards as permitted activities in all relevant sections of the chapter.

SP25. Insert new performance standards in sections 3.5, 3.7 and 3.9 of Chapter 3 as follows:

3.X.X Buildings and Structures around National Grid support structures

- a. Buildings and structures, except horticultural structures, within 12 metres from a National Grid support structure shall be:
 - i. A fence less than 2.5m in height; or

- ii. A fence located within 5m of a support structure where Transpower has given written approval in accordance with clause 2.3.3 of NZECP34:2001
 - iii. A Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid
 - iv. Commercial scale electricity generation infrastructure.
- b. Agricultural and horticultural structures within 12m from a National Grid support structure shall:
- i. Meet the requirements of the NZECP34:2001 for separation distances from the conductor; and
 - ii. Be less than 2.5m in height; and
 - iii. Be removable or temporary, to allow a clear working space 12 metres from the pole for maintenance and emergency repair purposes; and
 - iv. Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane; and
 - v. Have obtained the written approval from Transpower in accordance with Clause 2.4.1 of NZECP34:2001 to be located within 12m of a tower or 8m of a pole support structure.

OR provide for the above standards as permitted activities in all relevant sections of the chapter.

CHAPTER 13 DEFINITIONS – ‘SENSITIVE ACTIVITIES’

SUBMISSION

- 5.28 The specific provision that this submission relates to is the definition of ‘Sensitive Activities’ proposed to be insert in Chapter 13 - Definitions of the District Plan. The inclusion of this definition is **supported in part** as minor wording amendments are sought to ensure consistency with the terminology used for the National Grid corridor that was formerly identified as the ‘electricity transmission corridor’. Further, the amendments sought seek to clarify that sensitive activities may be activities that fall outside of the National Grid corridor.

RELIEF SOUGHT – CHAPTER 13 DEFINITIONS

SP26. Amend the definition of ‘Sensitive Activities’ as follows:

Sensitive Activities

Sensitive activities, means those activities within an electricity transmission corridor that are particularly sensitive to the risks associated with electricity National Grid high voltage transmission lines, because of either the potential for prolonged exposure to the risk or the vulnerability of the equipment or population that is exposed to the risk. Such activities include childcare and educational facilities, residential buildings, hospitals and health care facilities.

OR words to the like effect.

CHAPTER 13 DEFINITIONS – ‘NON-RURAL ACTIVITIES’

SUBMISSION

- 5.29 The specific provision that this submission relates to is the definition of 'non-rural activities' that is proposed to be inserted in Chapter 13 - Definitions of the District Plan. Transpower **supports** the inclusion of this definition as the definition and associated rules seek to control non-rural based activities within the rural environment.

RELIEF SOUGHT

SP27. Retain the definition of 'non-rural activities' as notified.

CHAPTER 13 DEFINITIONS – NEW NATIONAL GRID AND CORRIDOR DEFINITIONS

SUBMISSION

- 5.30 Transpower seeks the inclusion of definitions associated with the buffer corridor approach for the reasons outlined in Section 4 of this submission. Policy 11 of the NPSET stipulates that Council must identify a buffer corridor within which sensitive activities will not be allowed. The definitions are required as consequential amendments if Transpower's submission points in relation to buildings, structures, land use and earthworks within these areas are accepted.

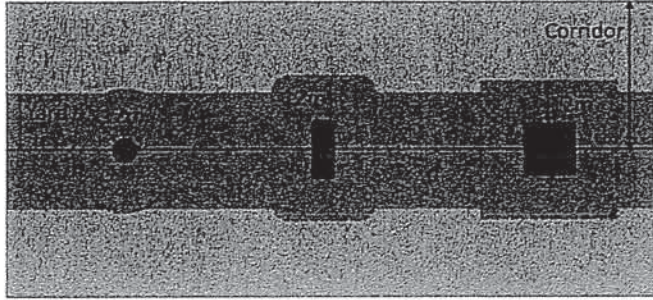
RELIEF SOUGHT – CHAPTER 13 DEFINITIONS

SP28. **Insert** a new definition of 'National Grid Yard' and diagram illustrating the yard as follows:

National Grid Yard

Means:

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



LEGEND Not to scale

— Centreline ● Single Pole ▬ Pi Pole ■ Tower

AND any consequential amendments to replace reference to 'electricity transmission yard' throughout the District Plan with 'National Grid Yard'

SP29. Insert a new definition of 'National Grid Subdivision Corridor' as follows:

National Grid Subdivision Corridor

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

- 16m for the 110kV lines on pi poles
- 32m for 110kV lines on towers
- 37m for the 220kV transmission lines

AND any consequential amendments to replace reference to 'electricity transmission corridor' throughout the District Plan with 'National Grid Subdivision Corridor'.

DISTRICT PLAN MAPS

SUBMISSION

- 5.31 Transpower **supports** the inclusion of the transmission lines on the proposed District Plan maps. Policy 12 of the NPSET requires that the location of transmission lines be shown on the planning maps. The illustration of the lines on the planning maps will ensure awareness of the location of the transmission lines and assist in identifying the area affected by the proposed National Grid Yard rules. If the Council requires the transmission line data in a specific format, Transpower can supply this upon request.

RELIEF SOUGHT – DISTRICT PLAN MAPS

- SP30. Retain the inclusion of the transmission lines on the District Plan maps as proposed.

